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UNITED STATES OF AMERICA.

POLITICS

FOR YOUNG AMERICANS

BY

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Author of "God and the Future Life," "The Communistic Societies of the United States," "Cape Cod and All Along Shore," "California for Health, Pleasure, and Residence," etc.

*A NEWLY REVISED EDITION FOR SCHOOLS
AND COLLEGES*



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TO READERS, TEACHERS, AND STUDENTS

IN the following pages I have attempted to explain in simple language, and by familiar illustrations fitted for the comprehension of young men and women, the meaning and limits of liberty, law, government, and human rights; and thus to make easily intelligible to them the political principles on which our system of government in the United States is founded.

I believe that free government is a political application of the Christian theory of life; that at the base of our Political System lies the Golden Rule; and that to be a good citizen of the United States one ought to be imbued with the spirit of Christianity, and to believe in and act upon the teachings of Jesus. He condemned self-seeking, covetousness, hypocrisy, class distinctions, envy, malice, undue and ignoble ambition; and he inculcated self-restraint, repression of the lower and meaner passions, love to the neighbor, contentment, gentleness, regard for the rights and happiness of others, and respect for the law.

It seems to me that the vices he condemned are those also which are dangerous to the perpetuity of free govern-

ment ; and that the principles he inculcated may be properly used as tests of the merits of a political system or a public policy. In this spirit I have written, believing that thus "government of the people, by the people, and for the people," can be most clearly justified and explained.

"Politics for Young Americans" has been so fortunate as to retain, since its first publication in 1875, the favor of many teachers, students, and readers ; and it has seemed to me, and to the publishers, advisable that I should now make a thorough revision of it ; to eliminate examples or illustrations which have in the course of time become obsolete and ineffective, and to add several new chapters covering important questions bearing on constitutional government, which have become prominent since the book was written.

But in doing this I have made no change in the general principles upon which the book is based, because these general principles remain, in my belief, sound and just and fundamental.

CHARLES NORDHOFF.

CORONADO, CALIFORNIA,

July, 1899.

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POLITICS FOR YOUNG AMERICANS

INTRODUCTION

AN American citizen ought to perform the duties of citizenship intelligently, and not ignorantly; and to do this it is advisable that he should understand the principles on which our government is established. This is the more necessary because the right cause is sometimes in the minority, and it is of great importance that its adherents should be able to give clear and convincing reasons for their course, for thus only can a minority hope to become a majority and thus have authority from the mass of voters to carry out that policy which they believe to be right and wise for the country. In a free state every *real* political contest concerns the principles and policies on which the government should be carried on; and you have only to read any great debate in Congress to see of what extreme importance to the preservation of free government, by right and wise policies, is the ability to comprehend for yourself and to expose clearly to others the fundamental principles of our government.

To the citizen of a free state, politics concerns itself in the largest sense with the liberty and the prosperity of the people, which are sure to be affected by bad laws — and bad laws are often adopted with the best motives, and

urged and supported by men who are as truly patriotic and benevolent as they are ignorant or shortsighted.

It is one of the great merits of our political system in the United States that, though it appears at first view complicated, it is in fact sufficiently simple to be understood by all the citizens. In what follows I mean to explain the general principles on which free government rests, and the manner in which those principles are applied in our own country; and I shall try to do this in such a way that, with a little attention and study, readers and students will, I hope, be able to understand all that is needful.

At the foundation of all government is SOCIETY, and of this it is expedient that I should first tell you something.

I

OF SOCIETY

1. WE find all mankind to possess certain qualities, faculties, and desires, which move and rule them, whether they are savages or call themselves civilized, and whether they are black, brown, yellow, or white.

2. One of the principal and most important qualities of mankind is gregariousness. This means that men have a propensity to gather in flocks or herds; a propensity also of many animals, as sheep, cattle, horses, blackbirds, elephants, and some monkeys. This desire for the society of their kind leads animals to go in droves, and makes isolation hateful to them; and in like manner collects savage men into tribes, and civilized men into nations, which are only larger and more highly organized tribes.

3. But as man has received from God qualities, faculties, and desires which the beasts have not, men are able to do something more and higher than the beasts; and the rudest tribe of savages has rules for the conduct of its members which the most highly developed society of apes or blackbirds or elephants of which we know is without.

4. Animals have, 1, desire to live; 2, desire for sufficient food; 3, desire to propagate their kind and to protect their young; and, 4, desire to avoid pain, and to live, therefore, in the circumstances for which their nature best fits them: in other words, to be comfortable. When you see more of men, you will discover that some men are very much like

animals, and have no aspirations or desires which can not be properly ranged under the above heads. Such a person you ought not to be.

5. Besides the desires which we have in common with beasts, and which are necessary to us in order to preserve our species from extinction, God has given us other desires, and faculties which, if we wish, we may use for their fulfillment. These higher qualities of our lives are not needed for the mere preservation of life. Some of those which by general consent are regarded as the highest, lead inevitably to the lessening of many of our pleasures, and not unfrequently to the surrender of an individual's comfort, happiness, and even life, to increase, as he believes, the welfare of his fellow men. Looking at these higher motives, desires, and aspirations, and at the degree in which they interfere with the happiness or comfort of the body alone, it is reasonable to believe, what Jesus taught, that men have something immortal, destined to live on after the body perishes, and capable, after its release from the body, of still greater development and higher enjoyments. This something we call the Soul.

6. Take notice that the soul of man should not obey the law of living, but the LAW OF DUTY, which means *self-sacrifice*. We see this spirit of self-sacrifice and duty notably shown where a people is engaged in what it believes to be a just war. In such a case we see the best citizens cast aside the mere law of living, and obey the much higher and nobler law of DUTY. Instead of remaining at home, pursuing their usual callings in comfort, with their families about them, and their wealth increasing, we see them breaking up the careers they had planned, leaving their families and comfortable homes to face unaccustomed hardships and dangers, or to perish of disease or die on the field

of battle. They do and suffer thus, not to benefit themselves, or to gratify the desires or passions which men have in common with the beasts, but out of what we all feel to be a nobler, an elevating, and, as we say, patriotic wish to protect their country. A tiger would be incapable of such motives: if he fought, it would be from greed for food, from a desire for a more comfortable lodgment, out of jealousy, or in self-defense, supplemented eventually by rage.

7. A creature believing himself to possess an immortal part, or soul, destined to survive the body, would reasonably seek to prepare this immortal part for the conditions under which it is to exist. And as the future life is, as we are taught, to be lived without the help of the body, it is evident that training the soul or spirit consists in increasing by cultivation our capacity for those enjoyments which do not depend upon the body. To curb the body, therefore, and keep it under control, to restrain the lower passions—those which we have in common with the beasts—and to weed out of ourselves envy, greed, spite, covetousness, jealousy, hypocrisy, ill-temper—all tending to disregard for the rights of others—would appear, aside from the commands and instructions of religion, to be the reasonable and prudent course of every one who believes himself to have an immortal part, or soul.

8. But God has so made the world, and so formed mankind, that they naturally and inevitably respect and esteem most highly those who most consistently act upon this theory of life. The whole world is combined to honor Washington; and it is equally unanimous in execrating a merely vulgar and selfish trader or politician.

9. Now I wish you to remember, as a **FUNDAMENTAL TRUTH IN AMERICAN POLITICS**, that the course of life which is thus calculated to fit your immortal part for the future

and spiritual life is also that course which will make you a good citizen of the United States.

10. To be a good citizen means not merely that you shall give such prudent obedience to the laws as will keep you out of jail. It means that you shall in all parts of your life live moderately and virtuously; that you shall "love your neighbor as yourself," and therefore do him no wrong; that you shall pursue your aims in life with such moderation as to avoid interfering with the happiness of others; that you shall endeavor by your actions, whenever occasion serves, to benefit your fellow men; for selfishness breeds selfishness, covetousness corrupts those who behold it, and liberty can be maintained only among a people who practice self-sacrifice, and to whom a virtuous life seems more important than mere selfish success.

11. To be a good man is your first duty as an American; but you ought also, if possible, to be a wise citizen, and to that end you should understand what are the proper powers and the proper limitations of government; what can not, usefully, as well as what can, be done by law. For some of the most foolish and injurious laws on our statute books have been enacted by good men with a sincere desire to increase the happiness of their fellow beings. We come then, next, to the consideration of Liberty and the Province of Law.

II

OF LIBERTY, AND THE PROVINCE OF LAW

12. You enjoy liberty when you may say and do whatever pleases you and does not injure other persons. If every human being were endowed with infallible judgment as to the effect of his acts on others, and strength of pur-

pose to avoid everything that could injure his fellows, laws would be needless.

13. But as the judgment of men is fallible and their strength varies, and as all men do not think alike, it has been found necessary in almost all societies, however rudely organized, to declare what shall be held injurious; and not only this, but to declare penalties for such injurious acts. Bear in mind, however, that political laws can cover only a part and not the whole duty of man; and that there is no lower or meaner rogue than he who studies the law merely to keep out of its clutches.

14. Necessarily and wisely, in a free country like ours, the lawmaking powers are distributed, some to the general or Federal Government, some to the States, and yet others to cities and counties. We have thus a great number of legislative bodies; and while this is necessary, because it would be impossible for one body, as the Federal Congress, to regulate the minor and local affairs of States, counties, and cities, it has yet in our day aided in the creation of an evil, in the very great multiplication of laws. This has become a curse to the people, and has a tendency to bring into contempt, not only the laws, but those who make them. This evil is so strongly felt by the citizens that in most of the States it has been ordained that the legislature shall meet, not annually, but only once in two years.

15. But, considering the propensity of men to multiply laws, and, often with good intentions, to legislate upon subjects which do not come properly within the limits of law, it is proper to tell you this: *Laws should be few in number and simple in structure; they should rigidly avoid granting special privileges or immunities to individuals, but should be general in their application; and they ought never*

to interfere with the liberty of men to move about peaceably from place to place ; to discuss freely public affairs and questions ; to engage in whatever honest occupation pleases them ; to produce whatever seems to them most suitable ; and to exchange what they have produced where they please, and for what they most desire. These limitations of the lawmaking power no doubt seem to you so simple and so evidently just that you wonder that they need to be specified ; but, in fact, there is in every legislative body a constant propensity to overstep these limits,—a tendency which the united efforts of the wisest men in any State, or in the whole country, cannot entirely resist. It is too commonly believed that additional laws are necessary for the reform of abuses ; but it is a fact, noticed by many eminent statesmen, that ALMOST ALL MODERN REFORMS OF ABUSES, in Europe and also in this country, HAVE BEEN EFFECTED, NOT BY ENACTING NEW LAWS, BUT BY REPEALING OLD ONES.

III

OF GOVERNMENTS

16. GOVERNMENTS may be said to be necessary evils, their necessity arising out of the selfishness and stupidity of mankind.

17. They are of different kinds : Despotisms, where the will of one man is the law ; oligarchies, where a few make the laws for those subordinate to them ; and free or popular governments, where the laws are made by the people, or by persons they select for that purpose.

18. In reading history, you will discover that the less intelligent and more selfish a nation was, the more despotic was its government, and the more arbitrary and vexatious

its laws; and that as the general average of virtue and intelligence in a nation increased, in the same degree its government and laws became milder and more just. It is equally true that a nation which has enjoyed an excellent government may, by the corruption of its morals, and the consequent increase of selfishness and ignorance, lose this, and have imposed on it a worse, and even the worst, form of government. Thus I wish you to believe that it is only by maintaining, and even elevating, the standard of virtue and real intelligence among our people that we can preserve our free institutions.

19. Hence the importance that you should be a good citizen, in the largest sense; for the example of each tells upon all who surround him. If you should be dishonest, unscrupulous, regardless of others' rights, covetous of wealth or distinction to the injury of others, envious, in any way base, your course would help to demoralize and debauch the unthinking and weak, which means the larger part of those who surround you. The success of bad men, temporary though it be, is a serious injury to the community, because to the younger and the thoughtless this success appears to condone the moral misconduct. This is why good men and women abhor the bad public example of a successful political demagogue, a corrupt or incompetent man in office, or one who aims at great power or possessions without regard to the public welfare or the rights of others. For this reason, to give a conspicuous example, Napoleon III. drew upon himself in an especial manner, during his reign over France, the bitter dislike of thoughtful men and women in all countries, and the disgraceful and humiliating close of his career was welcomed as the righteous ending of a vulgar and merely selfish life. Such bad examples are contagious, and de-

moralize the weaker part of society, who hunger for success, and think they see success crown evil deeds. Thus public opinion is degraded, vice becomes less odious, and virtue and self-restraint seem less important. On the other hand the example of probity, of faithfulness to duty and to principle, *even in the lowest citizen*, is valuable and important because it wins general respect, not merely for the man, but for those virtues of which his life is an example.

IV

OF THE PRIMARY AND NECESSARY FUNCTIONS OF GOVERNMENT

20. THE primary and necessary functions of any government are to maintain the peace and to administer justice, which means to protect the orderly and law-abiding part of the people in the enjoyment of life and property and against the attacks of the disorderly and lawbreaking. Necessarily it has also to collect from the people, *in the manner most equal and least oppressive*, the money needed to pay the officers charged with these duties.

21. Where the average of virtue, intelligence, and self-restraint is high among a people, their government needs to interfere but little in their affairs. Where this average is low, government always interferes more, by means of police, armies, and vexatious regulations. This arises from the fact that peace, order, and the security of life and property are regarded as the most precious and necessary possessions by every people, and to secure these, men and nations are generally ready to give up a large measure of political liberty, and to suffer many other and minor evils, such as high taxation. On this plea the French people

were induced to accept Napoleon as the "savior of society," and the common excuse for a despotism is that it is necessary to maintain order; which nevertheless it does not maintain, except temporarily, and at the monstrous cost of increasing the ignorance and helplessness and diminishing the virtue and public spirit of the nation, and thus in the end increasing tremendously the causes of disorder. Napoleon III. held France by the throat for eighteen years, and all the meaner sort of mankind glorified him as the wisest of rulers; but eighteen years of liberty, even with the greatest presumable amount of disorder, would not have left France so poor, debt ridden, and humiliated as it was at the overthrow of Napoleon. Further, it is important for you to bear in mind that while the despotic rule of Napoleon III. brought upon France three costly wars in eighteen years, the French republic has kept the peace since 1871 — a much longer period; and this, though it has had to contend with many internal difficulties, left to it as an evil inheritance by the preceding despotism. A republic is the most peaceably inclined form of government. The mass of the people never willingly enter on, or cordially support, an aggressive war; though for the defense of their rights, if these are attacked from without, history shows by many examples that no people is so formidable as a free nation.

22. It is only where the people have public spirit enough to resent wrong, and to give vigorous and instant support to the officers of justice, that governments can be efficient; and it is true that no government will be just, economical, or efficient unless the general opinion of the people *demand*s that it shall be so. Rulers are only men: the possession of power easily demoralizes the best and wisest of men; and no ruler will long be just, efficient,

honest, or respectable, or will long keep within constitutional bounds, who does not feel and fear the force of public indignation; nor will rogues fear the laws, unless they are assured that the mass of citizens will vigorously demand the prompt enforcement of the laws.

23. *Good laws are useless unless they are vigorously and PROMPTLY enforced.* Where punishment follows surely and quickly on the crime, crimes tend to become rare. Where trial and punishment are delayed or uncertain, crimes tend to increase, not only in frequency but in degree. We see this in some of our great cities, where crime flourishes and criminals become audacious, because influences of various kinds create delay in trial and failure of justice. There is a story, of the days of the notorious Tweed Ring in New York, of a burglar who was caught in the act of entering a house. He was seized before he had actually forced an entrance, and pleaded to the judge that therefore he had not really committed a breach of the law. Having what in low political and thieves' slang is called a "pull," he was discharged, whereupon he demanded the return of his kit of false keys and jimmys, on the ground that these were "the tools of his trade."

24. Back of all laws and all authority must lie a belief that in the last resort every citizen will defend his own rights. You cannot put a corporal's guard at every man's door. The thief or robber at bottom never fears the law and the government nearly so much as he does the right arm and courage of the man he seeks to injure. This is shown wherever, in our own country, any even considerable body of citizens have suffered themselves to be robbed, whether on the highway or by combinations of demagogues. Train and stage robberies are still not uncommon in the far West, and seem to increase in fre-

quency ; and this is because these robbers have found that they need not fear resistance from the passengers, but have only to deal with the stage driver or the few train men ; while if they are caught they have before them a long trial, with the hope of escaping justice in the end. A few quick and sure shots from the passengers would do much to put a stop to this odious form of crime ; but the certainty of *prompt* and *severe* punishment by law would do more.

25. In Mexico, when railroads were first introduced, attacks on trains of various kinds were for a time very common. President Diaz, a very able ruler, who knew the extreme importance of swift and sure justice for crime, advised the Mexican Congress to enact a law by which any one caught injuring or attacking a railroad train should be shot at once and on the immediate scene of his crime. This law he vigorously enforced, with the result that attacks on railroad trains are to-day very rare in Mexico.

26. In Montana, in the early days of its settlement, and before a territorial government was established, its people, a large proportion of whom were excellent citizens, lay for a considerable time subject to a powerful and well organized robber band, whose members openly defied law and justice, and became so audacious that they even rode into shops, in open day, and demanded tribute from shopkeepers. The citizens, in fear for their lives, dreaded to resist. But a number of courageous men at last formed themselves into a force, called "The Vigilantes of Montana," determined to put an end summarily to this organized band of robbers. They took their lives in their hands, for the robbers were unhesitating murderers. One day a courageous shopkeeper shot dead a robber chief who rode into his store to demand tribute,

and that bold act, arousing the citizens, caused the speedy extirpation of the robbers, many of whom were caught and summarily hanged, while others were shot, and the remainder driven out of the Territory with notice that if thereafter they were found anywhere in Montana they would be shot "on sight." Thus law and order were successfully reestablished; but only by the united action of the good citizens.

27. It is only where the mass of the people resent the violation of law and order, and are prompt in coming to the help of the officers to enforce the laws and put down wrongdoers, that free government is secure. Where the people are careless, and submit readily to wrong, the law soon falls into disrepute, rights are invaded, and disorders are encouraged. Hence, in a free community the citizens can not delegate to police or other law officers the *whole* duty of maintaining peace and order; they must hold themselves ready at all times to assist by their countenance, and if need be by their personal efforts, the officers whom they have charged with the execution of the laws. This does not imply the obligation or the right of citizens to take the law into their own hands unless the established authorities permanently fail of their duty; the citizens must promptly insist on the proper officers doing their duty, and if need be help them, acting under their authority.

V

OF SOME OTHER FUNCTIONS OF GOVERNMENT

28. THE primary and necessary functions of government are, as I told you in the last section, to maintain the peace and execute justice between the different members

of society. Under this head come the maintenance of the army, navy, and police, and the conduct of official intercourse with foreign nations, and in our country with Indian tribes — whom we have treated as foreign nations, by which course we have retarded their advance into civilization, and caused endless Indian wars and constant corruption.

29. But all civilized governments are charged with yet other duties, which, it has been found, they can perform, if not in a better, yet in a more uniform and convenient manner, than private citizens, and which are also incidentally of political importance. These duties are: the maintenance of the post office — by which intercourse by letters, and the dissemination of printed information, are made uniformly easy and cheap all over the country; the public or free education of youth; the maintenance of a lighthouse system; the protection and improvement of harbors; the making of scientific observations which need to be conducted systematically during a great number of years in order to be valuable; the survey of lands, and the recording of deeds, which are the tokens of ownership in land; the care of the public health, the prevention or abolition of nuisances, and quarantine or the keeping out of infectious diseases; the care of roads and bridges; and some others.

30. Some of these matters we leave to the Federal Government; others are assigned to the States; and others yet are deputed by these to the city and county governments.

31. I wish you to remember that private enterprise would perform some of these offices or duties as well as and perhaps better than the public authorities. Thus, in some of our great cities it has been proved in actual practice

that the inhabitants of a block or square, joining together independently of the city authorities, were able to keep their street area clean at little cost, where the authorities had persistently and vexatiously failed of this.

32. In the early days of California and Nevada it was a common practice of the people to send important letters, not through the post office, but by Wells-Fargo's express. This private company exacted not only the governmental stamp but an additional payment. The miners readily paid this because they found that the express company did convey their letters more rapidly and securely than the post office at that time, and they were willing to pay an extra rate for their security. In like manner, during many years, in some of our great cities, private companies undertook to deliver local letters more promptly than the post office, and these were at one time largely patronized by those who wanted a quick delivery. But over the whole country it is doubtful if the mails would be delivered with the same general uniformity of speed and regularity and cheapness by private persons as by the government; and this is the legitimate excuse for the existence of the post office.

33. The fact that we assign to the government some duties, therefore, which private citizens might perform in a better manner than the government, does not prove that the government ought to extend such operations and intrude into the great field of private enterprise. And yet, you must know, there is a constant tendency toward such extension. Thus it is asserted by many persons that the Federal Government ought to own and carry on the telegraph lines, and even the railroads. Various reasons lead men to this belief—such as abuse of power by corporations; impatience under delays or inconveniences; disap-

pointed business rivalries; hopes of gain by selling out at a large price to the government; a liking for grand operations, such as governments alone can carry on; and a vague belief that the government can really transact business better than private persons, which is not true, as a long experience shows.

34. I give you here the main reasons why a government should be strictly confined to its proper functions, and why we should oppose all attempts to impose upon it other duties which lie outside of these: 1st. It would have to increase very greatly its staff of servants, which increases the patronage, which means the power of bribery possessed by the rulers, and their means of corrupting the people, and thus encroaching upon our liberties. 2d. It would greatly increase the amount of money to be handled by the government, and thus make the possession of power tempting to bad men, which is another means toward the corruption of the people. 3d. It would make the people dependent, and deprive them of incentives to ingenuity and enterprise, and lead them to look to some power outside of themselves for the management of their daily lives. All these are serious evils; and if we had to choose, it would be far wiser to turn the post office, roads, lighthouses, the public education, and all other matters of that kind over to private enterprise, than to allow the government to assume still other functions, such as owning and managing telegraphs and railroads.

35. *It is of the utmost importance to the perpetuity of free government that the people should be left to do for themselves whatever they can, without the interference of the government.* Free government is not, at any given time, the most convenient, as I shall show you farther on; but it has this transcendent merit, that under it alone can

abuses be cured without revolution or the disorganization of society. For instance, the people have been for some years agitated about the abuse of power by railroads and other great corporations. We shall remedy this class of evils, slowly no doubt, but surely, by laws, and without revolution; but in a despotic government the railroad question would perhaps upset the government, and would at any rate become mixed up with the question of the existence of the government itself. We in the United States may not, at any time, have all the physical conveniences which we might have for a while if the government did everything for us; but we have the means of peaceful progress, the certainty that we shall slowly but surely solve all the difficulties which press upon all civilized nations alike, and solve them without revolution — which means without permanent injury to society.

VI

OF THE USEFULNESS AND THE INCONVENIENCE OF FREE GOVERNMENT

36. WHAT we call a free government, one in which the people rule, and in which much is left to the people, has therefore this extremely important advantage, that it forces them to be self-helpful; and obtains peaceful progress, not by the costly and after all ineffective interference of the government, but by the only permanent means, the determination of the people themselves. Thus government “of the people, for the people, and by the people,” educates a nation in courage, enterprise, a strong sense of duty, self-restraint, the habit of obeying law, and the capacity and readiness to act together for public ends. *Free government is a school of all the manly virtues.*

37. It works also another, equally important result: It maintains peace amid change, and allows the reform of evils without resort to revolution; because where the whole people take part in electing their rulers and lawmakers, all feel equally bound by the laws at any time enacted, and if any feel these laws to be oppressive, they get patience from the knowledge that open discussion will in time bring its remedies. Under a despotic government some wrongs can be righted only by violence and revolution. Under a free government like ours, *all wrongs can be righted by argument*. Hence the freest government is likely to be the most peaceable, orderly, and permanent.

38. Free government is troublesome to its citizens because it imposes upon every man duties of a public nature, to which he must give time and intelligent thought. In the measure that all the people thus give up time and thought to their political duties, in that measure will their government be justly and honestly administered. Gross selfishness, such as leads men to abandon their political and public duties in order to devote their whole time and energies to their own affairs or pleasures, is therefore a dangerous vice in the citizen of a republic.

39. A despotism, like that from which France so long suffered, is easily endurable to the meaner kind of men, because it saves them from thought upon matters concerning the general welfare. A despotic ruler, moreover, is apt to attend carefully to the minor conveniences of the people: he provides public amusements for them; regulates arbitrarily the price of provisions; prohibits monopolies—except those he himself and his friends enjoy; and in many ways does for them, wastefully, and with their money—for of course he has none of his own—what they ought to do and could do more cheaply for them-

selves. Meantime he thus makes them incapable of acting intelligently and effectively in great perils, disables them from remedying abuses, demoralizes them by encouraging their selfishness and love of pleasure, and thus prepares the way, logically, for some such great and disgraceful catastrophe as left France humiliated, burdened with debt, with the loss of a large part of her territory, and, worse than all, with a population largely unaccustomed to self-government, after eighteen years of what a multitude of shortsighted people pronounced a "splendid reign."

40. A wise and beneficent despot may for a time greatly and rapidly increase the material welfare of a people; by his power to command obedience, he may, if he lives long enough, impose upon them new habits of thought and action, or even a different civilization; but it is always at the expense of qualities which are absolutely necessary to the life of a nation, and with the result of leaving his subjects unable to maintain the existence of society if the despotic head should be suddenly removed, or if the state should suffer serious attack from without. Doubtless the Incas greatly benefited the Peruvians, among whom they introduced some important arts of civilization. But under the despotic rule they established, a handful of Spaniards overthrew the government, and when they had conquered the rulers, the people, too long the subjects of despotism, lay prostrate at their feet.

41. Thus nations, as well as individuals, need liberty and responsibility to make them strong. A boy who is coddled by his parents, who sits behind the stove in winter when others are playing in the snow, who lies late abed and has his pockets full of candy, who must not go into the water until he can swim, and whose precious life and

health are the objects of his own and his parents' incessant solicitude, may look with pity upon his neighbor, who runs about barefooted, gets up early to feed the cows, has few clothes and no candy, and must work for his food. But all human experience and history show that the hardier boy has by far the better chance of becoming a useful man, and making an honorable figure in the world. His early life has been full of inconveniences, and perhaps hardships; but the overcoming of these has hardened his frame, trained his will, strengthened the moral side of his nature, and prepared him thus to withstand trials and temptations under which his tenderly nurtured neighbor would sink.

42. I wish you to take notice that there are in every free country persons to whom the duties and responsibilities of citizenship are irksome; and who, too ignorant or thoughtless to see the evil results of dependence on a government, seek to avoid temporary evils and inconveniences by delegating to the government greater powers, and seeking to establish it as a kind of earthly Providence, to guard their private affairs, and make their lives easier.

43. Thus we in this country do not yet know how best to control railroads and other corporations so as to guard the general interest effectively; and some people think to cure this evil by having the government own and manage them.

44. There is no doubt that the creation and encouragement of what are called "limited liability" corporations have opened the door to some grave abuses, mainly because legislative bodies have ignorantly and imprudently given undue powers and privileges to such corporations. But with patience and larger experience these evils will be cured. There has grown up in recent years a strong disposition to hold great corporations to a stricter accountability, and

to avoid imprudent grants to them, and to require of them more rigid conditions, beneficial to the public; and *in that direction lies true reform.*

45. But there are citizens who believe that a short and easy way would be to cause the Federal Government to buy and manage all the railroads. To avoid temporary abuses or inconveniences they would put the transportation of products and passengers, on the whole the most vast and important business in the country, into the hands of the government. They forget that: 1st. *No* government transacts even its legitimate work, as that of carrying on a war, either economically or efficiently. 2d. If the government owned and managed the railroads, the millions of men employed upon them would have their liberty of contract seriously abridged, because the first prudent act of a government engaged in the railroad business would be to require its men to enlist for a fixed term, and to subject themselves to regulations military in their character. 3d. To put the vast business of transportation into the hands of the government would be to give it the means of corrupting and abusing the people; to give to an ambitious and unscrupulous ruler enormous power for this evil end, sure to be dangerously misused, and, after all, to secure no reforms which cannot be got, and are already slowly but surely got, by other and safer means.

46. Take notice that the plan of obliging the men engaged in the transportation and telegraph services to enlist for fixed terms under martial law — as soldiers do in the regular army — has already been urged and discussed in this country. Government ownership of railroads and telegraphs would bring this about very quickly and necessarily.

47. As to the government ownership of the telegraph systems of the country, which also finds favor, there is an

additional and serious objection, in that it would give to the party in power entire control over the public news, and enable a weak or an unscrupulous ruler to poison the very sources of public opinion by giving false or partial reports of passing events, thus making the people incapable, in an important emergency, of forming a just opinion of the conduct or misconduct of their rulers.

VII

OF THE DIFFERENT PARTS OF A GOVERNMENT

48. GOVERNMENT falls naturally into three different departments: That part which makes the laws; that which executes them, or carries them into effect; and that which administers justice, or interprets the laws between man and man.

49. In a rudely organized society or tribe, the chief or head man assumes all these functions: he gives orders, which are the laws; he enforces these orders; and he sits as judge in disputes between members of the tribe. Under any despotism, the ruler exercises the same powers as the chief of a tribe of savages; but necessarily he acts through agents, his favorites, who make life still less tolerable to the subjects.

50. In order to maintain a free or popular government, it is necessary that these powers shall be lodged in different hands; that the body which makes the laws shall have nothing to do with their enforcement; and that the judges shall be a body independent of both the legislative and the executive branches of the government. Where this division of powers is well established and carefully guarded, *if at the same time the nation has sufficient intelligence*

and public spirit to hold the rulers it chooses to a strict account, a people's liberties are reasonably secure, and they are able to make their government as honest and efficient as they please to have it. For at the elections they are able to remove those legislators who enacted bad laws, or that executive officer who carelessly or wickedly failed in the proper enforcement of the laws. Thus the people not only rule, but are easily able to distinguish where the fault of misgovernment lies, and to apply the remedy. In our own government, this great division of powers is very clearly made: in the Federal Government, Congress enacts the laws, but cannot execute or enforce them; the President enforces the laws, but he does not make them; and the courts of the United States construe the Federal laws and apply them in disputed cases;—and the same distribution of powers is made by State constitutions.

There is a still further subdivision, which is of equal importance to good government, and which is called **DECENTRALIZATION**.

VIII

OF DECENTRALIZATION

51. IT has been found advisable, by experience, still further to subdivide the powers necessarily intrusted to government; to limit the general government to the performance of certain offices or duties which apply equally to all parts of the nation; and to confide other powers and duties, having only a local application, to subordinate, but in their sphere independent governments.

52. Thus, in our own system, the Federal Government at Washington exercises powers very strictly limited, others being left to the State governments; and the State

governments in turn delegate certain powers to the county and even to the township governments.

53. This subdivision of power and authority is called *DECENTRALIZATION*; and experience has shown that this political device is of extreme importance, for two reasons: First, it is a powerful and the best means of training a people to efficient political action and the art of self-government; and, second, it presents constant and important barriers to the encroachment of rulers upon the rights and liberties of the nation, every subdivision forming a stronghold of resistance by the people against unjust or wicked rulers.

54. Take notice that any system of government is excellent in the precise degree in which it naturally trains the people in political independence, and habituates them to take an active part in governing themselves. Whatever plan of government does this in a high degree is good — no matter what it may be called; that which avoids this is necessarily bad.

55. It is a fault in the British system of government that the Parliament interferes too much in local affairs; and it is one of the great causes of the chronic discontent among the people of Ireland, that the management of their purely local affairs has been so largely kept from them and in the hands of the supreme authority in London. It has been one of the greatest obstacles to the maintenance in France of a true republic, that there the central government largely selects and appoints the local officials in the provinces.

56. If the President of the United States should appoint not only the postmasters and the revenue and law officers who are properly a part of the Federal executive, but also the governors of States, the mayors of cities, the super-

visors of counties, and even the justices of the peace and local police, — you need not think profoundly to see that independence and free government would be impossible under a system which thus removed the pettiest local officers from the censure and condemnation of their neighbors, and made them responsible only to the distant chief authority at Washington. The first time we had a bad man in the presidential chair he might be tempted by the favorable circumstances to play the part of Napoleon, and make himself master of the nation. Nor could the people, without great difficulty, and probably revolution, resist him.

57. To make liberty secure, the powers and responsibilities of the executive ought to be plainly limited and defined; and ought to be such, and no greater, that even a bad man in the executive chair could not, during the term for which he is chosen, do serious detriment to the republic — without the general consent of the people. For *constitutions are made to guard against bad officers, just as laws are or ought to be made, not to interfere with the good, but to restrain the vicious and ignorant.*

IX

OF THE RESPONSIBILITY OF THE EXECUTIVE

58. THE executive is the head and ruler of the political community. He is so called because he executes or enforces the laws which the legislative body enacts. With us the President is the chief executive of the United States; the governor is the executive head of a State; and the mayor is, or ought to be, the executive head of a city.

59. Large powers are usually, and ought always to be,

given to an executive or ruler; these powers should be, and in constitutional governments are, strictly limited; but within the limits fixed in the constitution the ruler should have the utmost discretion, for thus only can he be held responsible for faithfully executing the duties of his office.

60. *Responsibility can never be greater than the authority given.* Thus you can see that to tell a general to win a battle, and leave him to make his own plans, is to fix upon him a large responsibility, because his authority is practically unlimited. But to order him to win a battle according to certain plans imposed on him by a war board at a distance would be to cramp and limit his powers, and in the same measure to lessen his responsibility; for, if he were beaten, he might justly say that the plan of action in accordance with which he was compelled to fight was not the best, and that defeat was not his fault, but the fault of the council which impaired his liberty of action; *hence he would probably not exert himself to the utmost.*

61. *One of the most vicious and dangerous defects in a scheme of government, therefore, is a mixed and ill-defined responsibility.* Thus if the executive is intrusted to two or more persons, confusion and corruption are sure to result, because it is then impossible to fix the blame for misconduct upon any one officer. A board or commission, as an executive composed of a number of persons is called, is certain to be both inefficient and corrupt. This is because it is more difficult to bring several persons to a prompt decision than one; and because the blame for inefficiency or misconduct is shifted from one to the other, to the confusion of the public, which can not tell whom to blame.

62. It is another vicious defect to take away from the

executive head the appointment of his subordinates, for he can not justly be held responsible for the conduct of persons selected by others than himself; and being deprived of what is of the essence of just authority, he is pretty certain to lose that strong interest in the conduct of affairs which he is compelled to feel when the eyes of the people are fixed upon *him alone*, and *he in his single person is held responsible for the administration of the public business.*

63. In a well-ordered free government, therefore, a single executive head, being chosen for a specified time, and having duties and powers clearly defined and limited, ought to possess the power to appoint and remove his subordinates at will. In that case he can be justly held responsible by the people for the management of affairs.

64. In our own Federal Government, the Senate has an advisory power in regard to appointments made by the President (*but none as to removals*); and to that extent the Senate is a part of the executive. This power was given in the Constitution, because those who framed that instrument were more fearful of the tyranny of a despotic executive than of the worse, because less responsible, tyranny of a numerous body like the Senate; and believed it necessary to guard with especial care against usurpation of power by the President. If they lived to this day, they would see that it becomes constantly more desirable to fix responsibility for misgovernment upon a single person, in order that the people may more easily understand upon whom and how they ought to visit punishment and thus remedy abuses.

65. It is useful to repeat to you that *the powers and authority of the President under the Federal Constitution are so strictly limited that even the worst man in that office*

can not, without exposing himself to impeachment and removal, cause serious harm to the republic, EXCEPT IN ONE CASE.

66. If the injurious or unconstitutional course of a President has the general consent of the people; *if there is no vigilant and outspoken opposition party; if public opinion is silent or supine*, — in that case an unscrupulous President may of course safely do what he will. *The Constitution does not enforce itself*; it depends for its restraining force upon the watchfulness of the citizens; and it is not an idle saying that “Eternal vigilance is the price of liberty.” Hence the importance, in a free state, of political parties, and especially of a watchful and vigorous minority, which is usually called the opposition party. Men in power are very apt to go to extremes, and to disregard, in the eager pursuit of their partisan ambition, even constitutional limitations. The duty and importance of an opposition party is to expose to the voters such misconduct, and thus to alarm and arouse public opinion. There have been several instances in our history where only the vigorous and even fierce and defiant opposition of a minority has prevented a party in power from injurious and sometimes unconstitutional acts. Such was the attempt in 1874–1875 of the leaders of the party then in power to pass a law authorizing the President to proclaim martial law in certain parts of the Union, and *to do this on his own judgment* and though the country was at peace. Only a skillfully led and vigilant minority, by its tenacious resistance in Congress, and loud appeals to the people, prevented this from succeeding.

67. It is important for you to bear in mind that if the mass of the voters of *both parties* — as shown by the action of their representatives in Congress and by their

own consent or silence at home — are agreed upon a policy, even if that is unwise, or contrary to the traditional policy of the country, or even clearly unconstitutional, *a President may do what he pleases in such a matter.*

68. Thus the President, in 1898, determined, without consulting the people, and without the warrant of the platform on which he was elected, to make an important change in the character and career of the country. It had been a continental nation, with a homogeneous and generally intelligent population. He determined on the annexation of Hawaii, the mass of whose population was notoriously incompetent, by racial diversities, ignorance, and easy corruptibility, to perform the duties of American citizenship. If he had found himself vigorously opposed in Congress and by the people, he would not have ventured upon such a policy. But he had the support of the leaders of both parties in Congress, and his policy met with but trifling and perfunctory protest from a small part of the citizens. There was, therefore, nothing to prevent his going on; nor under similar circumstances of general popular acquiescence would a President determined for any reason on a clearly unauthorized policy need to hesitate to assume what in such case would be dictatorial powers. If the people agree, *or if they silently consent*, a President may safely do what he wishes.

You see in this the importance of political parties, of which I will next speak.

X

OF POLITICAL PARTIES

69. IN a free state there are usually two political parties.

70. These may have varying names, but their motives

are independent of names; and it may be said that one of the two great parties in a free state, if they are *real* parties, is composed of men who desire change, and the other of men who cling to that which is.

71. Party government is necessary in a free state. The organization of political parties is the only means by which the sense of the people upon questions of public policy can be got at elections; and by party government only can responsibility be fixed upon political leaders, so that these may receive approval or condemnation. A non-partisan government is the dream of weak and amiable men; it belongs to an ideal condition, in which all men shall be unselfish and sincerely desirous of the public good. In the present condition of mankind, a non-partisan government — one in which the leaders of both or all political parties share — is only an admirable and effective device to conceal maladministration and corruption, because it becomes then the interest of the leaders of both parties to cover up wrong. Non-partisan boards are a favorite device of political jobbers everywhere.

72. A large part of the voters in every free state, by reason of ignorance, or prejudice, or devotion to favorite party leaders, follow the party with which they have long acted, even though that has, through long possession of power, become ineffective or even corrupt. An increasing number of American citizens, however, act independently of party lines and vote with that party which in their judgment promises the best policy for their country, and thus changes of administration in the State, city, or Federal Government are brought about naturally, and without violence. You ought in this way to be an independent voter, because thus only can you fulfill the true duty of a citizen in casting his vote.

73. A political party appeals to the citizens with what we call a platform, which means a statement of the policy it desires to see carried out. Necessarily it also nominates men to enforce this policy in case they are elected by the people.

74. If party leaders always declared their opinions and intentions openly and honestly, and if they nominated only their most capable men, the duty of the citizen would be very simple. But a political platform is often an ingenious jumble of words, intended to attract men of opposite sentiments, and naturally candidates nominated on such platforms are not likely to be men famous for positive principles. In such cases the citizen has to choose the less of two evils. Reform of evils is slow work in a free state, because the mass of the people are engrossed in their own affairs, and conservative in their habits of thought, which means that they dislike great and sudden changes, even if these appear to be improvements. This spirit is an admirable one: though often inconvenient and sometimes costly, it gives stability to political and social institutions; and *stability is a main condition of progress.*

XI

WHO VOTE, AND WHY

75. MINORS, paupers, and insane persons have in general no vote in the United States, and in most of the States women also are excluded from voting.

76. In some countries the electoral franchise, as the right to vote is called, is still further limited to persons who can read and write, or to persons possessing a specified amount of property, or paying a certain annual rent for the premises they occupy.

77. Property qualifications originally obtained in a number of our States, but they have been almost entirely abolished.

78. An educational qualification is in force in some States. Where public or free schools are made accessible to the whole population, there is no injustice in requiring that only those shall vote who can read.

79. Minors, or persons under age, and paupers are not allowed to vote because they are dependent; and it is presumable that they would vote under coercion, and not according to their independent judgment. Moreover, a person incapable of managing his private business ought not to have a voice or influence in public affairs. It is probable that women have been denied the vote for the same reason — because the greater part of them were in a dependent condition, and the law took no note of exceptions in their case.

80. General manhood suffrage, which prevails in the United States, is required by justice, and is necessary to the perpetuation of peace in a community or nation. By his vote each man has his influence upon those affairs which are common to all the citizens; if he is outvoted, he is still satisfied, because it was his hope to outvote his opponents, and it is his hope to have the majority with him at another time.

81. It is sometimes urged that only those who possess property ought to be allowed to vote taxes and appropriations for public purposes. This proposition has an appearance of justice; but besides being generally impracticable, it rests upon a wrong view of society. It supposes a degree of meanness and bad spirit in the poor, and of intelligence and liberality in the wealthy, which we do not find in actual life; and it would facilitate a division of men

into classes, the poor arrayed against the rich, which, if it existed, would make free government impossible.

82. Suppose even that the poor were not only the most numerous, but also the least intelligent and the most selfish, which is not true; it is still a fact that the rich and intelligent possess great influence over their poorer neighbors, by reason of their greater means and knowledge, which it is their duty to use for the general good. Any regulation which would make it unnecessary for them to use this influence, or to take that part in political affairs which is necessary to give them their natural and just predominance (arising from the possession of wealth and intelligence), would be an injury to the commonwealth.

83. If general manhood suffrage anywhere leads the poor to vote money out of the pockets of the rich, wastefully, or for needless or corrupt purposes, the reason is that the rich have abdicated their proper place and influence in political society, and have selfishly given themselves to mere money-getting or a life of pleasure, by which they endanger not only themselves, but, what is of greater consequence, the stability of the community. It is an additional argument in favor of general suffrage if it compels the wealthy and intelligent, as an act of unavoidable self-defense, to exercise that influence in political affairs which justly and naturally belongs to them; and if it reminds them that their prosperous fortunes bring with them duties and responsibilities.

84. Take notice that a free state or republic can not remain prosperous if the more fortunate of its citizens withdraw themselves from political duties to devote their lives to money-getting or to pleasure. Take notice, too, that when a rich man complains that his poorer neighbors — many of whom he probably employs — vote against his

interests, you will find that he conducts himself toward them selfishly, and thus loses that influence which his wealth naturally assures him if he rightly uses it.

85. Under our system the States have the power of declaring, each for itself, which of the citizens shall vote; being prohibited only from excluding persons on account of race, color, or previous condition of slavery. The Federal Government, however, provides a uniform law for the naturalization of foreigners.

XII

WHAT OFFICERS SHOULD NOT BE ELECTED

86. It is a common complaint of busy citizens that "politics" takes up too much time, and elections are too frequent, and besides that, *not interesting*. The main, and indeed almost the sole, reason of this complaint is that we have in almost all the States and cities far too many *elective* offices. The citizens are compelled, by a very injurious custom and law, to vote in State and city elections for a long list of officials, about whose character and abilities they are unable to inform themselves. They must vote therefore ignorantly and blindly; and this injurious system, which now obtains in almost all our States and cities, on the one hand deprives our political struggles in these localities of interest to conscientious and intelligent citizens, and on the other strengthens the evil tendency in voters to support blindly the party they have been accustomed to act with—of "sticking to the party, right or wrong." This gives corrupt or trading political leaders their main chance, and creates "machines."

87. *In order to enable the people to take an intelligent and*

real interest in politics, it is necessary that they shall have to elect but few persons.

88. The persons who compose the lawmaking body ought to be elected, and at frequent intervals, in order that they may come fresh from the people, and know their will; also, the lawmaking body should be numerous, so that responsibility may be more easily fixed upon each member by his constituents.

89. The executive head of the community, be he president, governor, or mayor, ought to be elected by the people, and probably at less frequent intervals than the legislative body, as the Federal Constitution provides for the President. Thus the government gains in stability of purpose, without danger to liberty.

90. THE JUDGES OUGHT IN NO CASE TO BE ELECTED, BUT SHOULD BE APPOINTED FOR LIFE OR GOOD BEHAVIOR BY THE EXECUTIVE. Thus only can the majesty and dignity of the courts of justice be maintained. It is absurd and wicked to degrade a judge by forcing him to appeal to the voters for election; because justice has nothing to do with political parties, and ought to be beyond the influence of partisan strife. A court does not deal with policies, but with principles.

91. It is sometimes urged that a president or governor or mayor may appoint an improper person as judge, and this is true; but even a bad man, placed for life in an exalted and *entirely independent* position, is likely to conduct himself well, as many instances prove; and an executive officer, though he might make a careless or bad appointment to a temporary office, will think twice before he selects for a life office, so important as a judgeship, a man whose career, if it should be disgraceful, would be a constant reproach to the man who created him judge.

92. *The officers subordinate to the executive ought not to be elected, but appointed by their chief.* Otherwise there is confusion in the government, because, chief and subordinates deriving their authority from the same source, election by the people, there arises necessarily division of responsibility, and the public business is left undone or is corruptly done, as we see in many States and cities.

93. The provisions of our Federal Constitution are very wise upon this point. The President may appoint and remove even so low a grade of officers as postmasters and minor revenue officers. It has sometimes been proposed to make the place of postmaster elective—but to do so would be to make these officers irresponsible; the President could not remove them summarily for incompetency or corruption, because they would hold their places independently of him, and from the same source which gave him his, so you can easily see that the Post Office Department would be exposed to the grossest mismanagement and corruption.

94. What is true of this is true of all the executive departments. No subordinate officers charged with enforcing the laws ought to be elected, because they would thus be independent of their chief, be he president, governor, or mayor. The business of a government does not differ in this respect from that of a merchant or a railroad company; and no merchant could successfully conduct his business if his clerks, bookkeeper, and porters were appointed and removable, not by himself, but by his customers.

95. But in most of our States this serious blunder is made; and the people are obliged to elect many minor executive officers, and even those persons who form the cabinet of the governor; and, as though to breed the ex-

treme of confusion, in some States these subordinate officers are chosen at different times from their nominal chief, and are thus not merely independent of his will, but often his political opponents, disagreeing with his policy, and naturally inclined to make him inefficient by opposing or carelessly carrying out his orders.

96. This foolish system makes government difficult, favors corruption, and screens inefficiency, because it divides responsibility among many persons; and it is the chief cause of almost all the misgovernment from which so many of our States and cities have suffered and are still suffering.

97. It seems to have been the device of ingenious political demagogues, helped, as these usually are, by well-meaning but ignorant people, who were taken with the plausible appeal that to make the people elect all their officers would be to give them more power over public affairs, — whereas it really gives them less. So long as it is tolerated in any part of our political system, so long the baser sort of politicians will continue to impose their “slates” upon the voters, disable these from exercising an intelligent control over their rulers, and make government a mockery.

98. The people, busy with their own affairs, have not leisure to scrutinize the characters of a number of candidates presented to them on the same ticket; the press, occupied with a great variety of public interests and questions, is equally disabled. Every man, of perhaps a dozen or twenty on a ticket, uses his influence to elect all the others, bad and good, as well as himself, and thus the popular vote is stultified. See how different is the case in a presidential election. There *the people are asked to consider but three offices* — those of President, Vice President, and member of Congress; and the character, abilities,

political principles, and history of the candidates for these three positions receive the closest scrutiny from the press and public speakers during the canvass, so that every fault or evidence of unfitness is brought to light, and the people have a fair chance to vote intelligently. The result is that in presidential elections the greatest interest is taken by the people.

99. *Only the chief executive officer, in the executive branch of the government, ought to be elected by the people; and upon him should be placed the grave responsibility of selecting the subordinates by whose help he is to carry on the public business.* If then he fail, he and his party may be held responsible by the people, and removed from power at the next election.

XIII

OF POLITICAL CONSTITUTIONS

100. A WRITTEN political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described and fixed.

101. *The chief object of a constitution is to limit the power of majorities.*

102. A moment's reflection will tell you that mere majority rule, unlimited, would be the most grinding of tyrannies; the minority at any time would be mere slaves, whose rights to life, property, and comfort no one who chose to join the majority would be bound to respect.

103. It is the object of constitutions to protect minorities in certain common rights, and to restrain the power of majorities, who may do, or enact, or cause to be done,

only what in any case the constitution permits; and have no right, no matter how numerically strong they may be, to deprive the minority of those rights which the constitution secures to all the citizens.

104. Out of this thought grow all the provisions of a political constitution: for instance, under our own, no majority can deprive a criminal of trial by jury, or elect its candidates for longer than a prescribed term, or deprive the minority of life or property by unequal laws, or enact laws contrary to the provisions or outside of the limitations of the Constitution.

105. To the Supreme Court is given the authority to decide — but only on an appeal by a citizen in a *bona fide* or actual case — whether an act of legislation is or is not in harmony with the supreme law, the Constitution. You can easily see that such a court of final appeal is necessary in order to prevent unending disputes between citizens on the question whether a law is in accord with the Constitution. You should bear in mind that the Supreme Court cannot *of its own motion* take up such a question. The court “must be moved,” as the saying is, in this case as in all others.

106. It is a merit in any constitution to be brief, and to state only general rules or principles, to be applied practically by the lawmaking power; because thus this instrument, which ought to be but rarely and cautiously altered, is more elastic, and more easily applied to changing circumstances and to a great variety of life. It is the proper function of a constitution, for instance, to declare the term during which a president, a member of Congress, or a governor shall hold office, for that may be and ought to be a permanent regulation; but it would be an error to fix in the constitution the amount of salary an officer ought to receive,

or even to prohibit the reëlection of an officer, for circumstances may occur making it expedient to reëlect. It has become a tradition having the force of a constitutional provision that the President shall not be chosen for a third term. The example set by General Washington, in this respect, is likely to be followed; for if any President desired a third term, this would be thought proof of inordinate and dangerous ambition in him, rendering him unfit for the office; and if in such a case a President used the power of his patronage to procure a nomination, it would be wise to vote against him at every hazard. But it is a proper constitutional regulation that the salary of the President "shall neither be increased nor diminished" during his term. Thus he may not use his great influence for his personal benefit. Just as important is the provision that the salaries of the Federal Judges "shall not be diminished during their continuance in office," which protects their independence against possible partisan attacks. It is proper that the Constitution should prohibit human slavery; but it is better to leave to the province of ordinary laws not only the penalties for smuggling, theft, etc., but also the declaration of what constitutes these and other crimes — except treason. This is a purely political offense, whose definition ought to be immutably fixed, as it is in our Federal Constitution, and not left to the political passions of any period. But notice that Congress, in the Constitution, is wisely charged to declare the penalty of treason. Again, it is proper that the Constitution should create a supreme court, as ours does; but it would be unwise that it should also fix the number of the judges or the location of minor courts, because as the country grows these may have to be increased; and accordingly our Constitution leaves to Congress the authority to do this.

XIV

OF THE LEGISLATIVE OR LAWMAKING BRANCH
OF GOVERNMENT

107. LEGISLATIVE bodies have usually two Houses, as in our Congress and State legislatures. In the Federal Congress, the senators are chosen by the legislatures of the different States, and are supposed to represent the States, while the representatives are chosen directly by the people in the districts.

108. *Action in a lawmaking body means change; and laws ought to be changed seldom, and never without full discussion and consideration.*

109. All the arrangements of modern legislative bodies in free nations are wisely made to secure these ends. Thus we have two Houses, each of which must separately discuss and agree to a bill before it can become a law; one of those Houses chosen by a different set of electors or for a longer term than the other; and we have the executive veto — which, bear in mind, is solely to ask the two Houses to reconsider their bill, and not at all to obstruct or abrogate the law — for when it once becomes a law in spite of his veto, the executive is bound to enforce it. To the same end are all the Parliamentary rules and forms which cause delay in the passage of new laws.

110. All these are wholesome and necessary checks on the lawmaking power. It is therefore a mistake to accuse Congress or a State legislature, as inconsiderate people sometimes do, of “wasting time in debate.” A representative body is never so usefully employed as when engaged in discussing the measures before it; and it is never so dangerous to the people as when the majority

are strong enough to prevent debate, and pass laws by the mere overwhelming force of votes ; because laws so passed, without discussion — which means examination — are likely to be unwise.

111. Another reproach which is sometimes cast at our legislative bodies is that the ablest men are not chosen to seats. But our Congress and legislatures do not pretend to be collections of the ablest men in the nation. They are *representative* bodies. Of course you are to understand that a representative is not a mere delegate to utter the voice of his constituents. He is sent to exercise his independent judgment on pending questions, and not to record what their whims or temporary passions might dictate. He is their wise man, and not their slave. If the people of any district send an unfit or dishonest person, that is their risk ; they leave themselves without influence in the House. Our Congress does not contain the most brilliant men in the nation, nor *all* the ablest men ; but it has a great body of solid ability always, and it is the better for containing little genius.

112. Any one who is familiar with Washington or our State capitals knows that constituencies gain immensely in political power by sending able men as their representatives, and lose when they send demagogues ; and also that the influence of a political district may be increased by keeping the same man a long time in its service. But if the people in any district or State choose, negligently or perversely, to send only inexperienced or incapable men, that is their business and their loss. If there is anywhere a constituency composed mainly of foolish or ignorant or misguided people, they have a right to be heard, and their folly is likely to be the sooner exploded if it is officially displayed in Congress. It happened once, many years

ago, that a constituency elected to Congress a man who had been a prize fighter and the keeper of a gambling house. Thereupon many good men unwisely wished the House to refuse to receive him. But the House was not so foolish; he had been regularly elected; no fraud was charged; he was not a confessed lawbreaker; and he was admitted. He served his term, the most carefully dressed and the least obtrusive of all the members. He did not seek to be reëlected; and his constituents, who had a right to select him, saw, no doubt to their disappointment, that they had not, during his service, the least influence on public affairs.

XV

OF TOWN MEETINGS

113. A TOWN, or township, is the smallest political subdivision we recognize. The school district is only to regulate the free school. The wards in cities are the equivalents of the townships in the country.

114. When the people of a town (or township, as it is called in most of the States) meet annually to discuss the affairs of their township, to elect its officers, appropriate the money required to carry on its local interests, criticise what has been done or left undone in the past year, and to declare, after discussion, what shall be done or left undone in its local concerns during the year to come — that is a Town Meeting.

115. In such a place each citizen has opportunity to bring up such suggestions as he pleases, recommending them to the best of his ability; there alone the people act *directly*, and not by delegates; and by this democratic parliament the local affairs of the township — its roads,

schools, police, health—can be the most efficiently and economically managed.

116. The town meetings have been called the nurseries of free government, because in them the people learn the art of self-government; public spirit is developed, because each citizen sees that he may exercise a direct influence upon affairs with which he is familiar; men become skilled in debate, and, what is more important, learn to submit quietly to the majority when that happens to decide against their wishes. In those States where town meetings are held, they have always had an important influence upon the political character of the population. Unfortunately, in most of our States the town meeting is unknown or has fallen into disuse, and the powers which it ought to exercise are scattered among county and district officers, to the destruction of one of our most important political organizations.

XVI

OF EDUCATION

117. A CERTAIN degree of intelligence is necessary to make a man a good citizen of a free state. Experience has proved that an elementary education is very helpful to any one in acquiring this degree of intelligence; though, pray remark, it is not absolutely essential nor absolutely effective in all cases—for I have known a man who could neither read nor write, but whose good sense and sound judgment made him a very admirable citizen; and I have known a number of persons whom even an academic or college education has not made his equals. Bear in mind, therefore, that what we call education is not the equivalent of intelligence, but only a very helpful means to it.

118. An elementary education, also, is absolutely necessary in these days to enable a man to follow successfully any but the very lowest occupations, and its general diffusion, if it is rightly directed, is therefore a means to increase the prosperity of a community, and to prevent pauperism as well as crime.

119. A compulsory school law ought to include the children of the wealthy as well as those of the poor; and it ought to compel attendance during about four years—say from ten to fourteen. The free schools serve an important political use by bringing all the children of the community together in a way which makes citizens of all classes know each other, and thus prevents that alienation of the less from the more prosperous which is a grave danger to free government.

120. Hence the necessity of schools, and the justification of free or public schools. Such a school, maintained and inspected by the State, is not a charitable, but a political institution, in the broadest sense, *because it is to the interest of all the citizens that every child in the State shall have so much education as shall enable him to follow intelligently some useful industry.* That much the State, in the common interest, ought to provide free of charge for all. A child who at fourteen has been *thoroughly* drilled in the common school in spelling, reading, and writing, —with so much knowledge of good literature as these studies should bring with them,—in arithmetic, drawing, elementary geography, the history of our own country, and musical notation, has received from the State, free of charge, all the essentials of education which the general public interest requires; and he is then fitted to learn a useful trade, or, if the parents have the means and desire, may, *at their cost*, be sent to a higher academy and finally to the college

or university. But it is not required for the safety and welfare of the State that all the children shall be trained or prepared for a business or professional life at the public expense.

121. The conditions of life have very greatly changed in this country in the last thirty years. Employment is no longer easily got without special preparation; independence in work is hopeless unless the worker has a trade. Capable handicraftsmen earn more than a great mass of lawyers, clergymen, and clerks; and what is of equal importance, the demand for their labor is greater and more constant. The master of a good trade has far better prospects and is much more secure of a comfortable living than the great mass of average clerks or professional men.

122. It is, in the belief of many wise men, a serious misfortune that our system of free education has not been adapted to the changed circumstances of the country, but is carried on still on the old lines, with the addition of numbers of studies which have no relation to practical life. The increase of these has, as every careful observer knows, caused the elementary tuition to be greatly neglected. Indeed, many of our colleges have protested that the pupils seeking to enter from the higher free academies are glaringly incompetent in such common branches as spelling and simple English composition.

123. A true and useful system of free education for the youth of our country would provide for them a VERY THOROUGH training in the strictly elementary branches mentioned above, which ought to be completed by the age of fourteen. This should then be supplemented by a three years' course in THOROUGH handicraft schools, where they should — also at the expense of the State if necessary — be taught a trade. "A trade is a provision for life," says an old proverb; its

possession makes a man independent, and tends therefore to make him a good and useful citizen, which is very important to the general welfare. The public or free school system, as now carried on in most of our States, prepares the pupils only for a dependent life in a few vocations which are already greatly overcrowded; and that is a serious injury to the commonwealth.

XVII

OF TAXES

124. THE tax is what the citizen pays out of his earnings or accumulated wealth, or both, to defray the necessary cost of protecting his life and property — to enable him to produce, accumulate, and exchange with security and convenience, without having to devote a part of his time and strength to the labor of defending himself and guarding his accumulations against robbers.

125. This general defense of the lives and property of all we delegate to governments; and it results that when a government levies taxes, and yet fails to make life and property secure, it fails of its duty, and robs the taxpayer.

126. Free government is the best, because under it the people are able constantly to hold their government responsible, and force its officers to fulfill their duties and to conduct affairs economically; or, if they fail, to remove them and put more capable men in their places.

127. We delegate to the government — Federal, State, city, or county — also some other duties besides that of protecting us in life and property, as I have before told you: such as carrying the mails, building and repairing roads, the survey of lands, the improvement of harbors,

etc. To defray the cost of these undertakings we must pay also a general contribution, *which is improperly called a tax*. It is in fact an assessment upon each person, for an improvement in the benefits of which he shares; and for this assessment he therefore gets some return in conveniences.

128. But all taxes imposed to defray the cost of preserving the peace, protecting life and property, dispensing justice, and punishing criminals, are *loss*. They are so much taken from the wealth or accumulated savings of a nation and flung into the fire. If all men were honest, peaceable, and just, there would be no need of governments, there would be no taxes, and there would be, therefore, the more wealth, and, of course, the more comfort and enjoyment in the world for all. Every thief, burglar, robber, murderer, every avaricious, grasping, unjust man, in the community, makes it the poorer, and takes something from the comfort of every honest man.

129. Hence the importance that every man shall be a good citizen, just to his fellows, and honest in all his dealings; hence, too, the importance of a *wisely planned* system of free schools, the maintenance of which tends toward virtuous conduct, because one of the main objects of such a properly directed system is, or should be, that it will better enable men to get an honest living. Also of just, equal, and stable laws, because these tend to make men just and honest, by removing from them temptations to greed and dishonest gains. For taxes are the costly penalties of vice, ignorance, and selfishness.

130. Taxes are either direct or indirect, and it may be said that direct taxes are those exacted directly from the consumer, and indirect those paid by the producer, middleman, or exchanger, who adds them to the price he exacts

from his customers, who thus pay indirectly. Bear in mind that *all taxes are paid by the consumer or user*, in the end.

131. Direct taxes are those laid on real estate and on personal property in actual use, on incomes, and on polls or heads. Our State and other local revenues are all raised by direct taxation.

132. Indirect taxes are duties on goods imported, or on goods manufactured for sale at home; in the latter case they are called excises. But you easily see that the merchant who imports goods, or the manufacturer at home, does not submit to the loss of the amount of tax he pays. He makes it in either case a charge upon his goods, and adds it to their price. Not only that, but, as he must take the risk of loss by fire or other accident, or by falling prices or a lack of market after the duty or excise is paid, he adds a percentage to the price to cover these risks; for he knows that the government will not return him the taxes he has paid, no matter if he should entirely lose his goods the day after he had paid the tax or duty upon them.

133. Hence indirect taxes are less economical than direct taxes; they inflict more loss upon the consumer compared with the amount of revenue raised. But because indirect taxes are paid by the consumer with other payments, in small and often insignificant amounts at a time, and without the direct intervention of that universally disliked personage the taxgatherer, this mode of raising revenue has always been a favorite one with our people; and because an indirect tax is thus collected with less friction, and can be increased secretly, as it were, and without its effect being so immediately and plainly felt by each individual taxpayer, it has always been a favorite one with governments.

134. The revenues of the Federal Government are largely, but not entirely, derived from indirect taxes.

135. As these are difficult of adjustment and complicated, their arrangement almost always gives opportunity to selfish and scheming persons to impose upon Congress, and get it to favor their pursuits either by exemption where a tax should be laid, or by laying a tax where the general interest requires none, or, finally, by inducing Congress to change the duty or tax, either raising or lowering it, by which change manufacturers or importers or speculators may make extraordinary gains. Thus taxation, whose only proper and justifiable end is to "raise" — *which means to take out of the people's pockets* — a certain amount of revenue for the use of the government, is in this country and some others too often misapplied to provide a bounty for certain favored pursuits, or to enable influential speculators to make unjust gains to the loss and injury of the mass of the people, or even, in some cases, to crush an industry by a prohibitive tax.

136. That a government should collect in taxes more money than it needs for its proper and economical expenditures is a gross but not uncommon misuse of the authority to levy taxes. During a number of years our Federal Congress laid upon the people so needless an amount of taxes that it received a *surplus* revenue of more than a hundred millions a year. Not only was this great sum *needlessly* taken out of the pockets of the people during many years, to their lessened prosperity, but the existence of this great surplus in the treasury became the constant and notorious cause of wasteful and extravagant expenditure, and of serious corruption in the public service. Remember that a people invite public robbery and corruption who tolerate a "surplus revenue."

137. It is another serious evil and oppression if the tax system is ill-adjusted, which has long been the case in many of our States and in the Federal Government. You will see, if you reflect a little, that a man (or a donkey) can carry a load with ease and comfort, if it is skillfully adjusted, which would be burdensome and exhausting if it were ill-adjusted. This is so well understood in our mining regions, where heavy loads are transported over difficult roads on the backs of animals, that the "packer" is a very necessary and important man. On his skill depends, as everybody there knows, successful transportation of this kind. Evidently those selected to frame systems of taxation ought to be skillful "packers," and not men ignorant or prejudiced, or both. Thus it has been held and practiced in some of our States that to "tax everything" was the true method, on the ground that thus no one would escape. But that is as though one should assume, in packing a donkey for a mountain trail, that it was good policy not to lay and adjust the load on his back in the way to give the burden-bearer the greatest ease, to give him "the best chance," as the packers say; but that the real art of packing consisted in hanging some part of the burden on every part of his body; fastening packages to his ears, his neck, his legs, on the ground that his burden would be eased by such a general distribution. It would then only remain that, by way of "surplus revenue," the packer should put a stone or other entirely needless additional burden on top of all.

138. Our country is thought to be so rich that its people can bear *any* burden laid upon them, however badly adjusted. Some day it will be better appreciated that a large part of the complaints we hear of "hard times" are caused by heavy, *needless burdens, very crudely adjusted.*

139. *Taxes should be laid on but few articles ; direct taxes only on objects "in sight," as lands and houses ; and ALL TAXES ONLY for the purpose of raising money for the support of the government, State or Federal, economically administered, and for its legitimate purposes.*

XVIII

OF PUBLIC DEBTS

140. It happens, too frequently, that the taxes paid by a community do not suffice to pay the expenses which are incurred by it ; and in that case the community, as a corporation, borrows money. Thus arise national debts, State debts, county debts, city debts.

141. A government "bond" is simply a certificate that the government which issues it owes the holder of the bond a sum mentioned on its face, with interest at a rate specified, payable at fixed periods, the principal or sum of the bond being also payable at a fixed time. Instead of sending agents around to borrow money, it is more convenient for a government (or a railroad or other corporation) to prepare such bonds, and thereupon offer them for sale. You may see frequently in the advertising columns of newspapers, State, city, county, and railroad bonds thus offered, the advertisement calling for bids for such bonds, which are, in effect, put up at public auction.

142. The rate of interest named in such bonds is usually low ; and if there are a great many bonds offered, or if it is known that the supply must be great, or that the security — which is the stability or good faith of the government or other corporation — is doubtful, it can hope to receive only some sum for its bonds less than the sum

which these promise to pay. People deal with governments in such matters precisely as they do with individuals.

143. *The security for a national or State debt is the honesty of its people.* The sheriff, who is the official collector of debts, can not levy upon a nation, nor upon a State. All private corporations, such as railroads, can be sold out if the agreement is violated; their bonds are true mortgage bonds, whose owners can foreclose and sell out the property pledged as security for their payment. Also, cities and towns can be sued and compelled to raise the money to pay their debts.

144. If you owe so much money that to pay the interest on it requires the greater part of your income, you will readily comprehend that this might be a serious embarrassment to you. A private person in such a dilemma, if he has property, usually sells some of this, to pay off his debt or a part of it; if he has little or no property and is hopelessly in debt, he becomes a bankrupt, and on surrendering all that he has to his creditors, his debt is canceled under the operation of the bankrupt law. But a nation or a State has no property to sell or to surrender to its creditors; it can not take the benefit of the bankrupt act. It must pay.

145. But the interest it pays is drawn from the people by taxation. A heavy debt therefore necessarily increases the taxes; and these may become so burdensome as to cripple the industry and energy of a people, as is the lamentable case of Italy and one or two other European states; and is likely to be with yet others if the system of great armaments continues. Our own national credit justly stands very high. We are, in spite of too many injurious laws, a rich and industrious nation with a high sense of honor and of the value of public credit.

XIX .

OF PROPERTY

146. WHATEVER you earn or produce or create by your labor or ingenuity or forethought, or all combined, is your property; it belongs to you, because you have taken the trouble to produce it; and you have the right to do with it what you will, within the limits of law. You may, for instance, consume or waste it all, as many actually do.

147. If you produce more than you consume, what remains over is still your own, your property, to which you have the exclusive right against other persons. This surplus which remains over in your hands is called *capital*. Thus if you have saved enough from your product to buy yourself a spade, or a chest of tools, or a plow and span of horses, these articles are properly capital, and their possession constitutes you to that degree a capitalist. Many persons misuse this word, and a capitalist is generally understood to be one who has accumulated a large amount of property. I want you to understand that this is a foolish limitation of the meaning of this word.

148. Capital might be called the net profit of labor, if it were not that, in order to create it, another element than labor is required, namely, self-denial or economy. For it is possible for a man to destroy, by consumption or waste, or both, all that he earns or produces; and a considerable part of mankind do actually live in this way — from hand to mouth, as we say.

149. Industry and economy united are therefore required, as you see, to accumulate that surplus which we call capital; and as both these are voluntary and irksome exercises, *as you deny yourself both when you engage in produc-*

tive labor and when you refrain from consuming or wasting what you have produced, it follows that no other person can have so good a claim on your surplus as yourself.

150. In a rude or savage society, a man who wished to accumulate property had not only to labor to create it, and to exercise self-denial to save it, but he had to devote a considerable part of his time and strength to defending his possessions as well as his life against others. To save this last necessity, governments exist, their use being to make life and property secure against attack, and by a general coöperation and contribution of efforts or of means to overawe and punish depredators. Armies, navies, the police, the courts, and the body of laws in obedience to which all these act in a *free state*, are simply means for the guarding of life and property at a cheaper rate and in a more effective manner than could be done by individual efforts; and every nation is therefore, in this respect, only a great coöperative association, in which each member contributes somewhat from his accumulations or earnings to pay the charges for preserving the rest. It is only by thus delegating the power of guardianship to a few members of society that the remainder can get time to produce sufficient for consumption and a surplus — which surplus we call wealth or capital. *And it is only where the government to which we delegate this duty is effective that men are encouraged to the labor and self-denial necessary to create property or wealth.*

151. I want you to fix firmly in your mind that every dollar's worth of property or wealth in the world is a dollar's worth of proof that somebody at some time did not only labor to produce it, but denied himself some pleasure or comfort in order to save it. For though God gave us the soil, the seasons, rain, and many other means of production,—just

as he gave us our hands, strength, and brain,— these are in themselves not wealth. The gold lay in California for centuries and was unused and therefore valueless until men dug it out; and in like manner every natural product is worthless until the labor of man is applied to it. For instance, the plains of Kansas might be covered with wheat; but, unless it was harvested, it would be worthless. You may say that cattle would eat it; but unless the cattle were afterwards caught and slain, and their hides and meat preserved by the labor of men, they would be worthless; and if, being caught, they were wastefully shot and left to rot, no surplus or capital would be saved.

152. Remember, too, that what we call the wealth of a nation is only the aggregate wealth of its members, and represents the results of their industry and self-denial. To maintain or increase this wealth, therefore, a people must both labor and save; and to be encouraged in these irksome duties, they must feel themselves secure in the enjoyment of what they produce and accumulate. Everything, therefore, which makes property less secure, which exposes it not merely to open attack by predatory men, but *to loss by bad laws or by inefficient or corrupt rulers*, weakens the spirit and the power of accumulation.

153. But to maintain civilization, great accumulated wealth and an active desire by the people to accumulate more are absolutely necessary. If you will try to imagine a nation whose members have accumulated no property, you will see that to them civilization is impossible, even if they desired it. For such a people would have no houses, or cattle, or tools—all of which are accumulated wealth or capital, to possess which men must previously have labored and denied themselves. But you must see that such a civilization as ours requires much more than houses,

cattle, and tools. We have schools, shops, factories, roads, railroads, steamboats, telegraphs, and a great multitude of other things, to possess any one of which we must have accumulated, previous to their construction, property or wealth enough by our labor and self-denial to pay their cost. A nation whose members had accumulated no property, and who consequently lived from hand to mouth, could not afford to build a railroad or a factory or a schoolhouse; each person would be busy providing food for himself; and no laboring force could be diverted to these other objects, because no means or capital would be at hand to support such a force while it was laying a stone wall or rolling a rail, which at the close of the day they could neither eat nor clothe themselves with.

154. Nor, if accumulation should at any time cease, could civilization continue; because in such a case the wealth already accumulated would quickly be spent, and the nation would be left without the means to maintain its instruments of civilization. It may interest you to know that by the careful computation of able statisticians, no nation, however rich, is ever more than three or four years ahead; that is to say, if among any people there should be a *total* stoppage of production and saving, in about four years that nation would be beggared and starving.

XX

OF BARTER

155. To encourage men in production and facilitate accumulation, *barter*—the exchange of product for product—was the earliest expedient among savages. No man, not even a savage, can produce all the objects he needs or desires; and to give something he has and does not need

for something which some other man has and is willing to give in exchange, is the first natural act of a man, as soon as mere robbery becomes too dangerous or is forbidden by the ruler of his tribe. *It is the beginning of commerce.*

156. But the practice of barter is very inconvenient in many ways, as reflection will quickly show you. If you are a carpenter and I a shoemaker, it could plainly be an advantage to both of us, I wanting a house and you shoes, if we agreed that you would build me the house, and I should make you a certain number of shoes. This kind of exchange is called *barter*.

157. Imagine now a tribe or nation to whom barter is unknown, but who have learned to accumulate property. Each family aims to provide all it needs by its own labor; and whatever its surplus may be it stores away. You will see the monstrous inconvenience of such a condition, because the surplus may be perishable. But, what is far more serious, *such a surplus could have no value*; for unless it could be sold, which means *exchanged* for some other articles giving comfort or enjoyment, it would simply accumulate, and in time rot. That is to say, *unless you can exchange your surplus for something else, it is worthless.*

158. Fix clearly in your mind, therefore, that to establish industry and self-denial, which means to make civilization possible, it is necessary, first, that property shall be secure; and, second, that the possessors of property shall be able to exchange it for other articles which they desire; and that *if you take away the possibility of exchange, production will cease.*

159. But barter is an inconvenient and wasteful method of exchange. If you had surplus clothing and I coffee, you might, if you could find me, give me clothing for my coffee; and thus both of us would be benefited and pleased.

We should, however, first be at the trouble of finding each other, and should waste much time in this pursuit, which would be so much taken from the production of other clothing and coffee. If now a third person should appear, ready to carry your clothing to me, and bring back to you my coffee, plainly that would be an advantage to both of us, who could go on in the pursuits in which we had most skill, and in which therefore we could produce the most.

160. *This third person is called a merchant, and his business is commerce.* For his trouble we should both be ready to pay him a share of our products, because by using his labor and skill we are enabled to produce a greater quantity.

161. But how am I to be sure that the merchant to whom I intrust my coffee is honest, and that he will really bring me back clothing, which I want? He may be a rogue. To smooth the way and make us both secure, we have an ingenious contrivance called MONEY, the precise nature of which it is very important that you should understand.

162. If the merchant who offers to exchange for us our clothing and coffee can leave with us, as a pledge of his honesty, something which either of us will accept of the other as really valuable and EQUALLY VALUABLE with our products, we shall of course be satisfied. For if the merchant should disappear with your clothing, you would still have that with which you could procure my coffee.

163. Take another example: If you are a shoemaker, it is necessary for you to receive for your shoes either the actual articles you need to consume, or something which will procure these. You may be willing to accept for shoes an order on the farmer for oats and butter, another on the miller for flour, another on the tailor for clothing, another on the hatter for hats. But your great object has been to have at the end of all these transactions a number of shoes

for which you need no article which is *at once* to be consumed by you or your family. These surplus shoes, the result of labor and self-denial, are your capital; what will you take for them? Not an order for more butter, oats, flour, clothes, hats, for your shoes will keep as well or better than any of these articles. Yet, to store up surplus shoes is inconvenient and risky; rats may eat them; damp storage may spoil them; fire may destroy them; in course of time they would rot—or a new fashion in shoes may come in so that no one would want your stored shoes.

164. If you could get for your surplus shoes something which was not cumbrous, or easily destroyed, or subject to loss by change of fashion, and which had UNIVERSAL AND EQUAL value among producers, so that *everywhere* they would be willing to accept it at the same rate or value in exchange for their products, that would plainly be a great convenience to you, and thus a great advantage.

165. This something, which is used and has been used by all nations and tribes as soon as they ceased to be the lowest savages, as a means for facilitating the exchange of products, is MONEY. Money, therefore, has been accurately defined as a MEDIUM OF EXCHANGE. It is that and *nothing more*. You cannot eat it, or wear it except as an ornament; it is neither food nor clothing: it is a “MEDIUM OF EXCHANGE,” a means to facilitate *the exchange* of food, clothing, and other products.

XXI

OF THE MATERIALS USED FOR MONEY

166. MONEY being thus a great convenience to facilitate the exchange of products—as a MEDIUM OF EXCHANGE—some form of money has come into use even among most

savages. Thus over a large part of Africa and in the islands of the Pacific Ocean, glass beads, which the savages could not make, and of which the supply was limited by reason of difficult and infrequent intercourse with civilized men — glass beads served for many years as money. For so many strings of beads a traveler could buy an ox, or other supplies; for so many more he could hire a man's services. Beads had in each tribe a recognized value, and were, while this condition lasted, true money — a *medium of exchange*, willingly accepted; and, please observe, *needing no "legal tender" law* to force their acceptance.

167. But as communication became easier, as more frequent travelers brought more abundant supplies of beads, these lost their use as money among the most easily accessible tribes.

168. Wampum — strings of a certain kind of shell — were used and valued as money — as a *medium of exchange* — by our Indians; and are still so used among some rude African tribes. But when the supply became overabundant, and when at the same time a more convenient, more portable, more easily concealed and stored kind of money, and a kind, moreover, *much more widely exchangeable* for useful or desirable articles, came within their reach, the use of wampum as money, as a medium of exchange, was abandoned by them.

169. Iron was used as money by some ancient nations, but as its manufacture from the abundant ore became common, its use as money ceased. Copper was largely used as money in comparatively modern times, but except among a few barbarous nations it also has gone out of use as MONEY, though it is still used as "small change," or "subsidiary coin," of which, and its difference from REAL money, I will speak to you presently.

170. You will observe that as any material used for money became more abundant it lost value or was depreciated, and that some other kind was adopted, even by savages. The superior excellence of the new money material, in their minds, was that it was more easily carried about, more easily stored or concealed, and more widely and universally acceptable *at a steady rate*; so that not only was it more convenient, but what was to them of prime importance, its use as a medium of exchange extended over a much wider area. Not their own tribe only, but all its neighbors, were ready to give products for the improved kind of money. These advantages combined even savages see.

171. Silver was, during a long period, the chief money of most European nations. But partly for the same reasons which moved savages to reject glass beads and wampum, their over-abundance and cumbrousness, most European nations, as well as our own country, have now for some time disused silver as MONEY. They still, however, as we too, use silver very largely as a necessary convenience, for small change, or "*subsidiary currency*." The difference between this and *real* money I will now explain to you.

XXII

OF SUBSIDIARY CURRENCY

172. ALL civilized nations have established *mints*, where both *real* money and subsidiary currency are coined. This is a general convenience; it saves all of us the trouble and expense of assaying for ourselves the crude metals.

173. Bear in mind that the coinage of a metal does not and can not give it added value. The mint stamp is only

the government's universally accepted official certificate of the coin's purity and weight, and the mint's denomination on the coin is this certificate and nothing more.

174. Observe, too, that the government does not even own the gold its mints coin into money. It is the property of those who carry it in bars or ingots to the mint; and their object in getting the government to turn these into coins is not to get increased value for their metal, but only to get the official government certificate that each coin contains so much gold.

175. When, however, our government coins "*subsidiary currency*," as silver dollars, and halves, and quarters, and nickel and copper coins, *the action of the government and mint is entirely different*. This difference it is important you should clearly understand.

176. In making subsidiary currency, — whether the pieces be called "dollars," or "half dollars," or "cents," — 1, our government buys the metal and has it coined on its own account; 2, it puts into each subsidiary coin a less value of metal than its denomination, — for instance, it puts into a silver "dollar" only from sixty to seventy cents' worth of the silver; 3, it puts these undervalued coins into its treasury, and pays them out to those who want them; 4, and IT REDEEMS SUCH SUBSIDIARY COINS, ON DEMAND, IN REAL OR GOLD MONEY. Under this system our country is, in common with most European nations, on what is called a "gold basis"; and with this a large number of our people are, for various reasons, dissatisfied, and wish that silver be admitted to free coinage at the mints on the same footing with gold.

177. Subsidiary coin is a general convenience, because in the infinitely numerous daily minor transactions between the citizens, a very great quantity of "small change" is

required. As these transactions are confined to our own country, it is not important that these subsidiary coins should contain their "face value" of metal, *so long as the government stands ready to redeem them*, or give real money, gold, for them, at their "face value" or denomination.

178. You may use real or gold money, at its "face value," or mint denomination, all over the world, in payments; but subsidiary coin is taken at its face value only in the country whose government makes and circulates it among its citizens. In other countries it is rejected as real money and accepted only as bullion or metal, or at its value as such metal — and this, you easily see, is because it does not contain the true value; our silver dollar, for instance, containing — though for convenience called a "dollar" — only from sixty to seventy cents' worth of silver, as measured in gold money.

179. To give you an example of the distinction thus inevitably and constantly made, the Mexican dollar contains more silver than our own silver dollar, but it is accepted in our country not as a dollar, but only at its bullion value, while our own silver dollar, having actually less silver in it, is, by our people, readily taken as a full dollar. Observe that this is because *our government redeems our silver dollars in gold*, while the Mexican government does not do that for its silver dollars.

XXIII

OF BIMETALLISM

180. BIMETALLISM means the coincident use, as *real* money, of two metals, as gold and silver, at a fixed ratio of value, as that sixteen ounces of silver shall be taken as the equivalent of one ounce of gold.

181. If, as a matter of fact, sixteen ounces of silver are worth in the world's markets an ounce of gold, in that case both metals can be used at this ratio as *real* money, though even then gold money might be preferred, because of its much greater convenience in carrying and storing it.

182. During the earlier part of our national history the values, compared with each other, of gold and silver were generally steady, but not absolutely so; and while this condition lasted, and so far as it at any time existed, both could be used as real money. As a matter of fact, however, the United States was substantially an almost exclusively gold-using country all the time, as is shown by the mint's official returns of the coinage of the two metals.

183. Between 1793 and 1873, in which last year the silver dollar was by act of Congress demonetized, a period of eighty years, our mints coined \$813,905,878 in gold, but, in the same period, only 8,045,838 silver dollars, though those silver dollars were in all that time a legal tender equal with gold. In the same period there were coined 137,009,676 dollars' worth of small silver — halves, quarters, dimes, etc. — for use as small change.

184. It is clear, from these figures, that the American people preferred gold to silver, and very greatly preferred it. They preferred gold as *real* money, partly because the American people have always been a shrewd and eager commercial people, seeking to extend their trade and sell their products in all parts of the world, and experience early taught them that for such foreign and world-wide commerce a form of money of general preference was most advantageous to them. But it is evident from the extremely small coinage of silver dollars that even for home transactions they preferred gold over silver, and the probable reason is that for carriage, storage, and ready

concealment gold possesses a very great advantage over silver.

185. In April, 1870, a bill revising the coinage laws was brought before the Senate, and in the following June before the House of Representatives. This bill did not become a law until nearly three years later — in February, 1873. It established the gold dollar as the unit of value, and dropped the silver dollar from the coinage. The elimination of the long-unused and substantially unknown silver dollar aroused very little opposition in either house during the long period in which the bill was pending.

186. It was not until some years later — in 1875-6 — that, coincidentally with a heavy fall in silver, there arose a demand that a legal tender silver dollar should again be coined. Many people were induced to join in this demand by the assertion that gold was becoming scarce, and that it alone was insufficient for the needs of commerce; though in fact there was at the same time, and is still, a constantly increasing production of gold. They demanded a restoration of bimetallism, and at the old ratio between the two metals.

187. Congress, impressed by this demand, in which many persons joined in the belief that an act of legislation can alter real values, adopted a compromise (1878). It ordered the purchase, by the treasury, of silver bullion and its coinage into silver dollars. It also declared these coins a legal tender for all debts.

188. This, however, was not bimetallism, since the silver was coined only on government account. The silver coined under this law, and the silver-coinage laws which have followed it, is *really* subsidiary coinage.

189. In spite of the large coinage of silver dollars by the government, silver continued to fall in price in the world's

markets; and not only that, but its continuous and large *fluctuation* in value totally unfitted it for use as *real* money. The silver dollar was worth in 1873 a little more than a gold dollar; in 1876 it was worth only eighty-nine cents; and its value has since then fallen as low as sixty cents.

190. It will be clear to you, I think, that *real* money *being merely a measure of values*, — a yardstick, as it has been called, — it is impossible, without constant confusion and enormous loss to all, to use as *real* money a metal of constantly varying and therefore uncertain value in the world's markets, and in our own of course. The attempt to force its use as *real* money by making silver, equally with gold, freely coinable at the mints, would not only commit the government to a dishonest transaction, in declaring that to be a dollar which every one now feels is not so; but it would have the effect of at once withdrawing all gold from our circulation, because no one would pay out gold or one hundred cent dollars when he could pay out silver or sixty to seventy cent dollars.

191. Take notice that those who demanded the free coinage of silver "dollars" by our mints, required at the same time that these sixty or seventy cent dollars should be made a "legal tender" for the payment of all debts. Of this injurious and after all futile contrivance of "legal tender" laws I must next tell you.

XXIV

OF "LEGAL TENDER" LAWS

192. It was a shrewd and true saying of an Egyptian Bey to a foreign friend, that governments ought to interfere in the private affairs of their people as little as pos-

sible, for, said he, “the government is an irresistible power, and when it interferes with the private affairs and interests of the people it is more likely to injure them than not.” It is true that a legislature can by its laws effect many strange and injurious things. It can make you pay a fine (called a duty) for buying what you need in the cheapest and best market. It can, by a law (also called a duty), so increase the price of a commodity — hides, for instance, which are the raw material of shoes — as to injure a great and useful industry, — as shoemaking, — on which the comfort and prosperity of many thousands of families depends. It can, by systematically favoring a few industries, crush out a multitude of smaller ones, and thus narrow the range and diversity of callings, to the great injury of the mass of the people, who thus have their ingenuity, skill, and independence lessened, and instead of engaging in a great diversity of pursuits requiring personal ingenuity and skill, become the servants of great capitalistic combinations in a few and much lower employments, requiring less intelligence.

193. But *one thing no government has ever been able to do*; that is, by a “legal tender law” to force its people to accept bad or depreciated money, or money of varying and uncertain value, *at the same rate as good money*.

194. By “legal tender” laws Congress can derange the whole business of the country; it can bring loss and distress upon the whole vast body of citizens who work for wages — for the first effect of a legal tender law aiming to make bad or depreciated money equal with good and full valued money, is to lessen the purchasing power of wages by increasing the price of the necessaries of life.

195. But no legal tender act, however rigid, ever succeeded, and least of all in this day of widespread intel-

ligence, in making bad money, or money of fluctuating value, pass on an equality with good.

196. What then is the excuse for legal tender laws? THERE IS NONE; they are a relic of barbarism and despotism. They have no use in an honest and intelligent community or nation, and, if they have any effect, can only do injury. A legal tender law ordering all American citizens to accept American gold coin in the payment of debts would be ridiculous and entirely superfluous; because *nobody thinks of refusing gold dollars*. No legal tender law is required to compel men to accept *real* or good money. It is only when an attempt is to be made to put money of low or uncertain value on a par or equality with good, that legal tender laws are brought forward by men who are unaware that such laws have never, in a civilized state, been effective for their designs.

197. The belief in the usefulness of legal tender laws is part of a series of popular superstitions, all of them injurious to the people. Another of these is the notion that "a national debt is a national blessing." A debt is no more a blessing than a lame foot or a bad fit of illness. Another is that a nation may become rich by needlessly taxing itself, which is as though a man should say that his labor would be made more effective if he should tie one hand behind him while he worked. High and needless taxation impoverishes a people, disables them from cheap production, and thus deprives them of a wide market for their products, because, as you can see, the tax is an element in the cost of production; and *needless taxation can only effect a lowering of wages*.

198. *There is no need or excuse in our country for legal tender laws. They are only instruments of oppression and abuse, which ought not to be tolerated by a free people,*

for they serve only to derange business, check enterprise, and injure the workers for wages, while they give a very great opportunity to speculators.

XXV

OF BANKS, BANKING, AND CREDIT

199. IF I have a thousand dollars which I shall need to use three months from now, but do not need in the meantime, it would be an advantage to me to be able to lend the money out at interest for three months. But it might happen that you wanted to use a thousand dollars for three months and no more; and it would be an advantage to you to be able to borrow, not for a year or a longer term, but for three months only. If we two could know of each other's wants at the right time, both of us would be benefited; and not we two only, but also all whom our joint arrangement enabled you to employ with my thousand dollars, and me with the interest I received of you.

200. In every civilized country there are daily hundreds, or rather hundreds of thousands, of such instances; and BANKS are established to enable borrower and lender to be quickly accommodated. Experience has shown that the demand of lenders can be foretold, depending, as it does, upon business transactions arising out of commerce, manufactures, and agriculture, which have their regular periods of activity. A banker, therefore, acts upon his knowledge of the laws of commerce and the laws of nature, which tell him that money realized by one set of transactions may be safely loaned to persons engaged in another set, to be returned in time to be used for a third, and so on. You can see, for instance, that a miller, having sold his flour, can lend his money to a farmer, who wants to plant his

crop; provided that at harvest the farmer, who will then sell his crop, will return the loan to the miller. The store-keeper, with whom laborers spend their wages for the necessaries of life, receives meantime money, which he may lend to the miller in case he should want to repair his machinery.

201. A bank is an association to facilitate such loans, and its interests are therefore harmonious with those of the whole community, and especially with those of the class who work for wages; because *the less capital lies idle the more will be at the disposal of those who want to employ labor and pay wages.*

202. A bank is in fact an association for the safe-keeping and the loaning of money. It becomes responsible to us for the money we deposit with it; allows us to draw checks at will against our deposits; in some cases pays us a low rate of interest on the sums we leave with it; and makes its profits by lending at higher rates. As it is responsible to us for our money, it must lend on good security only, and must know the character as well as the circumstances of borrowers; and as it must return us our money at any time, and without previous notice, its managers can properly lend only at short dates, or "on call" — that is, to be repaid by the borrower after a short interval, or on demand. And it is to the banker's interest not only to make as many loans as possible, but to make them prudently, to competent men, on good security; for he has capital of his own at stake, and if he should fail to pay his depositors on demand, they would close his bank and seize his property.

203. Thus you see that a bank is a means for the economical use of capital; and every economy of this kind makes more readily available the fund out of which wages

can be paid, and thus secures a greater range and amount of employment to those who work for wages.

204. What is thus true of banks is, of course, equally true of credit in general. If a mechanic, on the strength of his good name and of his chest of tools, can borrow a hundred dollars for a year or for a term of years, and if he has a profitable use for the money, evidently he is benefited by the credit he has. He may use it to pay the wages of men he employs; and with the help of a small loan may in time achieve real independence. And if, after having accumulated property, his character and property secure him credit for ten thousand dollars, and enable him to employ fifty or a hundred men, still that credit is a benefit not only to him, but to all whom by its help he is able to employ for wages.

205. *Thus credit is useful to the poor, and not merely to the rich; and to the many, and not only to the individuals who have or use it.*

206. But credit may be misused; as if I should borrow money to be used in an enterprise, as a mill, which was unprofitable. Here my laborers would still receive the money in wages. I should lose that; but they and the mass of laborers also would lose, secondarily, because the capital sunk or lost in the unprofitable mill would be dead; it would never more be available for wages or consumption; it could not increase, and would produce no profits available for wages; and by every such loss of capital, the whole community, including, as you plainly see, the laborers for wages—the non-capitalists as well as the capitalists—are the poorer. Thus when a bad law tempts or forces capital into naturally unprofitable industries, this is a loss to the mass of the laborers as well as to the owners of the capital.

207. In many cases, indeed, the individual capitalist prudently saves himself from loss, by insurance. Thus, when a mill or factory is burned down, or swept away by a broken dam, the owners may receive its full value from an insurance company; they may use this money to rebuild their factory, and thus give temporary employment to a large number of men; and to a superficial view the loss might appear a gain. But you must see that, first, the operatives stand idle while the mill is rebuilding, or if they seek employment elsewhere, do so at a loss to themselves by the cost of removal, and at a loss to others of their own class by increasing the supply of their kind of labor at the very time that the demand is diminished; and, second, the old mill rebuilt will give employment only to its former operatives, while if the mill had not been destroyed, the capital used in rebuilding it would have been available for a new mill or other enterprise, which would have given employment to an additional number of hands.

208. Thus you see that destruction of capital must work to the injury of the non-capitalist class, the workers for wages. The destructive fire which burned down the greater part of Chicago gave employment for a time to a multitude of carpenters, masons, bricklayers, and others, and caused a seeming but artificial prosperity while the city was getting rebuilt; but it was, nevertheless, a loss to the mass of the laboring population, because it seriously lessened the surplus wealth of the country, and turned so much of what remained away from new works to the repair of vast losses. The great Boston and Chicago fires were followed by a general stagnation in business all over the country, because capital which would have been used in other enterprises and expenditures, and consequently in the payment of wages for other and new production, was concen-

trated in Boston and Chicago, and used to repair enormous waste and losses, to replace what had been destroyed.

209. But an unprofitable enterprise is just as much a destruction of capital as a fire; and if I should hire you for a year to carry bricks from one side of a road to the other and back, though you might in the meantime live from your wages, I should have sunk my capital, and the mass of the laborers in the community would have suffered a loss, because there would be less capital out of which to pay wages.

210. Thus you see that credit, which is only capital in another shape, can not be misused without inflicting a loss on the whole community, and especially on the laborers for wages.

XXVI

OF BANK NOTES

211. BESIDES receiving money on deposit, and lending it out on security, which is their proper and legitimate business, banks sometimes issue notes or bills of their own.

212. *A bank note is not money; on the contrary, it is only a promise to pay money.* It is one of several kinds of promises to pay, and differs from the others mainly in these particulars — that it bears no interest, and that the holder has no security in his own hands.

213. If you have in your pocket a twenty dollar gold piece, you have actually in your possession that much value. But if you have in your pocket a bank note for twenty dollars, you have only a certificate that a bank, which may be a thousand miles distant, and of whose managers you know nothing, *has your twenty dollars.*

214. Now, if you wished to carry about with you two or

three hundred, or even one hundred dollars, it would obviously be more convenient to carry bank notes to that amount than money; for the paper bills are lighter than coin, and more easily concealed from thieves.

215. This convenience of carriage and concealment is the excuse for the existence of bank bills, and it is a sufficient excuse where men need to carry about considerable sums. *But a laboring man, whose whole wages for a week amount perhaps to less than twenty dollars, and who pays out the greater part of this sum at once for subsistence, is not inconvenienced by the weight of his money. He does not need bank bills; and there is no need for small bills to accommodate him.*

216. Banks like to issue small bills, because these remain longer in circulation, and the proportion lost and destroyed is naturally greater.

217. But for the public advantage the issue of small bills, under ten dollars, is not necessary, and the issue of bank bills for sums less than ten dollars ought to be *totally prohibited*.

218. Laws authorizing banks to issue bills ought to guard with the most vigilant care the right of the bill holder to have his bank bill redeemed on demand, and at all times, in real money.

219. Such laws should, in the public interest, also provide regulations under which *all* banks of issue should be compelled to unite their responsibilities, so that *all* the banks of issue in the whole country should be held responsible and forced to redeem on demand the bills of each, and in real money. In that way a citizen who is offered a bank bill — no matter how distant the bank which issued it — would know that behind this bank bill stood, not a single bank, which might be insolvent, but *all the banks* author-

ized in the whole Union. With such security all bank bills could be safely taken all over the country.

220. Our national bank system, by a different but cumbersome expedient, has worked well; for under it *no bill holder has ever, since its establishment, lost a cent*; and the bills of all national banks have been equally and safely acceptable in all parts of the country, because it is known that if the bank fails, the Federal Government will redeem its bills, selling for that end the government bonds which it compels banks of issue to deposit in the Federal treasury, as a safeguard, before they are authorized to issue bills.

221. Under any system authorizing the issue of bank bills, *the officers and directors* of a bank failing or refusing to redeem its bills in real money *on demand* ought to be subjected to very severe penalties, not merely of loss of property, but of imprisonment; for their failure in this primary duty is a fraud on a helpless public.

XXVII

OF “GREENBACKS”

222. “GREENBACKS” are demand notes of the government, issued in the stress of a great war, and *made a legal tender*. As they were forced on the people by being made a legal tender, they were, in effect, a forced loan.

223. They took the place of *real* money, on their issue, and not only gold but even subsidiary coin disappeared from circulation for a number of years after “greenbacks” came in.

224. Greenbacks had for years a varying value, sometimes being worth no more than fifty or sixty cents, and

even less in real money, which shows you again how futile are legal tender laws.

225. This variableness in value, of course, gave great and constant opportunities to speculators.

226. But the legal tender quality given these government notes, and their rapid depreciation in value, caused an immediate rise in the prices of products, which caused great suffering to those who worked for wages, because wages rose but slowly, and not in proportion to prices — as all history shows is always the case when undervalued or depreciated money is made a legal tender and thus takes the place of *real* or good money.

227. On the “resumption of specie payments” — when, that is to say, the government, having *bought* GOLD *for the purpose*, offered to pay off the greenbacks in real money, gold — these went at once to par, and there followed immediately on this settlement of values a period of great prosperity all over the country.

228. Obviously, when they were thus redeemed by the government, being past due obligations bearing no interest, they should have been destroyed.

229. But Congress, by a law which has proved a great curse to the country, ordered them to be *reissued after they were paid off* — and this, although the government had for years an immense surplus revenue, and had no need therefore to borrow by this reissue of its notes.

230. As under the resumption act you can get gold on demand for greenbacks, at the treasury, and as, on the other hand, the greenback is at the same time made by Congress receivable for all its debts, the only present advantage of the greenback is to speculators, who may use it to draw gold from the treasury for their purposes. As the government often receives but little gold in its revenues,

it is forced, when its store is lessened, as has happened, to issue bonds for the purchase of gold, of which it is, by these foolish laws, obliged to keep a great store on hand.

231. If the general public sees the treasury's gold lessening in amount, it becomes alarmed, anticipating the treasury's inability to pay its obligations in *real* money. Gold in private hands is then hoarded, as in 1893-4, a panic ensues, business and enterprise stop or are seriously checked; workshops close, or men and women are put on half time; consumption of products is checked—men wear old clothes instead of buying new, for instance. The great body of millions of laboring men and women and their families fall into distress and discontent.

232. You see, in this example, what widespread and very serious evil may follow as the result of a bad law, and in this case a very foolish law. If the greenbacks—or past due obligations of the government, issued in the extreme stress of a great war—had been canceled or destroyed as fast as they were paid off, which could easily have been done during the years when we had a great surplus revenue—or if Congress had even taken away their legal tender quality—all this costly trouble would have been avoided.

XXVIII

OF USURY LAWS

233. IF you have money, you may hide it, as a miser does; or you may use it in enterprises, in building houses, for instance, in which case you receive a return or interest on your investment, called *rent*; while in the work of construction your money yields employment to a variety of

workmen. Or you may loan your money to some one else, to use.

234. If you lend your money to some one, you take the risk of losing it—he may not pay it back. Also you deny yourself the use of it while it is out of your hands. You have a natural right to compensation for the risk you run and the self-denial you submit to. That reward to you for loaning your money to another is called *interest*. If you own a house and let it to another person, on the agreement that he shall pay you rent, you perceive that this is the same thing—the *rent* you receive for your house is the *interest* on the money you spent in building it, and on the cost of the ground on which it stands.

235. Now, if the city or State or Federal Government should be asked to make a law regulating how much rent you and all others should receive for your houses, everybody would denounce that as an absurd and tyrannical interference with private affairs. It would be justly said that the rentable value of houses depends on their situations, the uses to which they are put, and the demand for such houses in such localities, and that no lawmaking body can determine these constantly varying circumstances.

236. But, further, such a law would largely put a stop to building houses, because men with money to spare, who were inclined to use it for housebuilding, would leave this and find some other, some safer way, to lay out their money for investment—some way by which they could get a *natural* return of *interest* and escape the arbitrary interference of the government. If housebuilding were thus stopped, you can see that mechanics and laboring men would be thrown out of employment, and thus a numerous and useful part of the population would be injured; while the increasing scarcity of "Houses to let,"

would very soon put to loss and make uncomfortable the great mass of the population in cities, who do not own the houses or rooms they live in. You can see that if house-building were checked, house rents would go up. Thus, by such a foolish law, limiting the rent—which is the *interest*—to be charged on houses, the whole laboring population would be seriously injured and put to loss, and only those—the wealthier citizens—who own the houses they live in, would be safe against loss and inconvenience.

237. But while lawmakers do not attempt to regulate or prescribe the rent—or interest—which a house owner shall receive for his money investment in it, they do, in many of our States, prescribe by law what rent, or interest, he shall receive for the money itself, if he loans or lets that out. Such a regulation is called a *usury law*, and is a pernicious interference in the people's private affairs.

238. It is impossible for lawmakers to know, and justly prescribe by law, what a man should pay, or another receive, as rent on, say, a two-story frame house; because, as I showed you above, its value for use cannot be foretold; it depends on situation, demand, and other circumstances. But it is even less possible for a legislative body to foresee the value, to the borrower, of the money he wants to borrow. The "Usury Law" may tell him that he shall not pay more than four, five, or six per cent; or that the owner of the money shall not receive more than that rate. But the borrower may find and know that his enterprise is of such a profitable character that he can afford to pay ten or twelve per cent, or even more; and a law forbidding him to do this would be an injury to him.

239. In the settlement of our western States, for instance, usury laws, if they had existed in those States, would have seriously checked and hindered their develop-

ment. In the earlier history of Indiana farmers often paid twenty per cent per annum for money they borrowed. They were poor men, who took up "Congress land," and knew by a wide experience that if they could borrow money to "break" it and put in a crop, the first crop might pay for the whole investment. But to make that first crop the farmer, having no money of his own, had to borrow, and he could well afford to pay high interest, and would have been the loser if a usury law had interfered with his borrowing by prescribing a rate of interest at which no money owner would take the risk of lending him what he needed to start his farm. For the owner of the money asked a high rate of interest because the farmer's enterprise was in certain elements risky: the borrower might die; his crop might fail; or his management might be bad.

240. All new countries or regions lack money for their proper and rapid development; and as in such new countries there are unusual opportunities for gain, in fertile soils, mineral deposits, and more than all in the great work of construction of dwellings and other houses, roads, and all other things required to plant civilization in a wilderness, there is a great demand for money capital. The vigorous, shrewd, enterprising men who carry on business in a new country have need for a great deal of ready money, because the wages of labor are high, there is a great deal of useful and necessary work to be done, and workmen must be paid promptly "every Saturday night."

241. In "new countries," therefore, where much work is needed to be done, and done rapidly, the rate of interest on money is always high. In older and longer-settled regions it is lower; and in general the interest rate tends to fall slowly, but constantly, in all settled regions, and all

countries which are at peace and have an orderly government.

242. Thirty years ago in New York city, a man who was accounted a shrewd and far-seeing business man, and was a man of fortune, was asked in my presence why he did not spend ten thousand dollars on a matter he was known to have much at heart. His reply was, "Ten thousand dollars is seven hundred dollars a year *forever*, and I will not make that sacrifice." He had in mind that the common and natural rate of interest at that time in New York city was seven per cent; and he, and the community in general, believed that this would not change. But if this man were now alive he would see that in New York he would be lucky to get four per cent on a sound security.

243. To give you another case where high interest was profitably paid by a poor but capable man: A quarter of a century ago I was riding through a part of California then very thinly settled, and found it one day convenient to stop over night with a "sheep man" in his camp. He was an intelligent man, and owned the sheep. In the evening, sitting by his camp fire, he told me of his business. He had been a poor workingman, without money, but saw that there was abundance of unoccupied land on which he could graze sheep, if only he could get money to buy the sheep. "I looked over the whole thing carefully," he said to me, "and when I saw my way, I went to a man who knew me, and he lent me enough money to buy this band of sheep. I had to pay him twenty-five per cent for the loan, but I made fifty per cent last year, and hope to do as well this year; and you understand my sheep are increasing all the time—and *they are mine*." I said the rate of interest seemed high. He replied: "You can

see that I can afford to go halves with my creditor, and take twenty-five per cent for my share, for I am making that *with his money* and of course *he took a risk and is entitled to his share until I pay him off*. If I had not found him, I should have been a day-laborer to this day."

244. You can see that if there had been a usury law in California in those days this man, and a great many others like him, poor, but capable and industrious, would have been prevented from making a start in life.

245. The temptation of high interest brings money into a new region; the owners of the money take risks, and charge for them. If the law forbids them to do this, by prescribing a lower rate and a penalty for taking more, they refuse to lend. *It is the poor men who are benefited by the freedom to borrow of which a usury law deprives them.*

246. It is practically impossible to establish by law a general rate of interest for money, because the *natural* rate, in spite of laws, varies greatly and constantly with the nature of the transaction, the character of the borrowers, the confidence of lenders, the activity of business (which increases the number of borrowers), the belief in the permanence of institutions, the condition of peace or war, and for many other reasons.

247. It is an axiom based on the experience of centuries in many nations that a higher, rather than lower, rate of interest at any time is a token of general prosperity in a country which is at peace and has a settled and orderly government. Thus it was shown by an eminent English economist, by a comparison of the interest rates in England during a series of years, that two per cent denoted "hard times," while the country was prosperous

in those years when the rate rose to three or four per cent. You will understand this generalization if you reflect that in prosperous times the profits of enterprises are large, and the number of new ones needing money to carry them on is growing, thus increasing the demand for money by borrowers.

248. Finally, usury laws are injurious to borrowers because they are largely evaded—to the injury of borrowers, as you will see. The borrower pays, ostensibly, and on the face of the papers, only the legal rate, the rate fixed by the usury law. That makes the lender safe against the law. The borrower, however, oftenest does not deal directly with the lender, but with the lender's agent, and he is required to pay a *premium* to this agent (to be divided between the lender and his agent), and this may run up a six per cent loan to eight or even ten per cent.

XXIX

OF COMMERCE

249. You have seen, under the head of *Property*, that the surplus, or that part of his product not needed by the producer for his own consumption, *has no real value, and can not become wealth or capital unless he can exchange it for something else.*

250. It is not less true that *the value of the surplus grows in the precise measure in which the facility of exchanging it is increased.*

251. The Nebraska farmer, years ago, was unable to get his corn to market; was forced to burn it as fuel; and no matter how rich his land, or how great his crop, the surplus on his hands was after all worth to him only so much

wood. If he could have sent it to Chicago, it would have been worth a good deal more than so much fuel. If he could as cheaply have sent it to New York as to Chicago it would have brought him a still greater price; and its value to him would have been increased with every market he could reach. When I was a boy, Ohio had no railroads, and the farmers near Cincinnati used to sell eggs in that market for three cents a dozen, *because that was their only market*. Railroads have so greatly increased for them the facility of exchanging eggs, that they now get even in Cincinnati probably at least six or eight times as much as formerly. You can see that they gain this great advantage simply by increased facility of exchange. Railroads have extended their market for selling eggs.

252. Nor is this increased facility of exchanging eggs for other products a benefit to the farmer alone; for if formerly, for lack of cheap transportation, eggs were very cheap in Cincinnati, they were very dear in many other places. To facilitate the exchange only equalized the prices, and thus increased the comfort of the mass of consumers, and also the wealth of the mass of producers. For if eggs were anywhere very dear, that is a proof that they were scarce there; and facility of exchange created abundance where before was scarcity.

253. Pray fix in your mind, therefore, this fundamental truth, that *every impediment to the exchange of products is an injury; and that every removal of such an impediment is a benefit*, because it *increases the rewards of the mass of producers, and the abundance, and hence the comfort and happiness, of the mass of consumers*.

254. Hence the satisfaction with which people welcome railroads; the benefit of steamboats, steamships, bridges, and all other means by which we decrease the cost of

transportation. For you can see that if a farmer can send his eggs to only one place, Cincinnati, where men want to buy eggs, he can not hope to get as much for them as if he could — with cheap transportation — send them to any one of a dozen cities. And as he would send his eggs only to places where they would bring a higher price — where therefore eggs were scarce — cheap transportation, by creating abundance in those places, would benefit consumers there.

255. Commerce means the exchange of products. If I have more hides than I need, and you have more clothing than you need, and if I want clothing and you hides, it is plain that we shall make an exchange of our surpluses if we can get together and agree upon a price. It is clear, too, that *we shall both benefit by such an exchange, because when it is made, each of us will have less of the articles which he could not use, and more of those which he wanted.*

256. Thus you see that unimpeded commerce is a benefit to the mass of producers; and that every impediment preventing a part of the owners of surplus clothing from reaching a market of hides, while it may be an advantage to the few who do reach it, and who would thus have a monopoly, would be an injury, first, to those who were prevented from reaching it; but, second, and more important, to all those who were anxious to exchange hides for clothing.

257. *Every impediment to free exchange, therefore, whether natural or artificial, is an injury to the mass of consumers — who are the whole people.*

258. Nevertheless, every act of exchange which takes place, even where a close monopoly exists on one side, or in regard to one product, is still a benefit, for it increases abundance and comfort, though in a less measure than if

the monopoly did not impede free exchange; and thus it would be wrong to say that men, under any circumstances, become poorer by voluntary exchange. It is, however, quite certain that *capital increases far more slowly and industry is hampered* where impediments exist to a free exchange of surplus products.

259. Impediments to the exchange of products are either natural or artificial. The natural obstacles are very numerous, but may be comprised under the general head of distance. A river is a serious impediment to commerce, until it is bridged or a ferryboat crosses it; an ocean is a greater impediment, and can be overcome only with the help of ships. Differences in language and habits are natural impediments.

260. Different and distant parts of the earth have different climates, soils, and capacities for production, so that what is produced in one country is needed in many others; and every part of the earth is fitted to produce something which is desired by the people of other parts.

261. You will quickly see the advantage of this, for it compels mankind to intercourse with each other; and commerce is thus one of the main agents in spreading civilization over the world, in bringing men and nations together in a humane and brotherly spirit; in subduing barbarism, preserving the peace, and in increasing constantly the area over which industry and self-denial are rewarded, property is made secure, and civilization becomes possible.

262. Imagine a nation which was so favored by climate and soil that it could and did produce within its bounds all and everything that its members required, and you will see that such a nation would soon cease to have any influence upon the outer world—for good at least; it would become selfish; would scorn, because it did not need, commerce;

would lose the immense advantage of intercourse with other nations; and having no such commerce or intercourse, would presently contract vices, such as ignorance, superstition, contempt of foreigners, and disregard of justice, which would degrade its civilization. For it is by intercourse and not by isolation that men become intelligent and humane.

263. To overcome difficulties forces us to exercise ingenuity, courage, persistence, patience, daring, and enterprise — all those which we can call manly virtues. Impediments to intercourse between men in distant parts of the earth, for the purpose of exchanging products essential to our comfort, impel us *to overcome such impediments*, and make us feel that *we are the higher and the better, as well as the wealthier and more comfortable beings, in the measure that we do overcome them.*

264. Artificial obstacles to exchange arise out of laws, which either prohibit exchange with foreigners entirely, as formerly in Japan, or lay a penalty on such exchange as regards certain products: this is still done in many countries, among them our own.

265. All such artificial restrictions are impolitic, injurious, and, unless *all* commerce is prohibited, necessarily partial and unjust.

266. It is possible to imagine a nation determining to seclude itself entirely from the world, and therefore totally prohibiting commercial as well as other intercourse with foreigners. In such a case the *whole* people accept less abundance, and deny themselves comforts and luxuries which they can not themselves produce. All are injured, all suffer loss and deprivation; and if injustice is done, it is by all to all.

267. But among civilized nations like our own, the prohibitions and penalties on foreign exchange are nowhere of

this character; they are always partial—being laid practically upon a few articles; and thus an essential injustice is done to those who would, if they were allowed, exchange their products for those articles which are forbidden them, or who must pay a penalty for such exchange. For instance, if I am a farmer, who need to exchange my surplus wheat for clothing, it is surely an injustice to me if the law forbids me to make this exchange wherever I may choose; for, as we have seen, *if by any impediment it narrows my market it lowers my profit*. I may be able to get more cloth for my wheat in Germany than in my own neighborhood: a law which makes me pay a penalty for doing so is clearly partial and unjust. Or I may be a blacksmith, and prefer Swedish bars for my horseshoes; why should you who make American bars urge a law to make me pay a penalty for my preference?

268. Fix in your mind that *commerce is not a swindling transaction, but a purely beneficial operation*; that *every act of honest trade increases the happiness and prosperity of all who are concerned in it*; that when we two exchange products, each is the more comfortable and the better off for the exchange; for each has given that which he wanted less for that which he wanted more.

269. Property, as you have before seen, originates in three acts: labor, self-denial, and exchange. A law which should interfere with a man's right to labor ought to be resisted by all sensible men as an injustice. A law which should limit the right of self-denial—or compel me to spend my accumulations as fast as I created them, would be no less unjust and monstrous. But a law which interferes with my right to exchange my surplus where I like is only more endurable to us because we are accustomed to it. It does not differ in principle.

270. The most magnificent and conclusive example of the benefits of unobstructed commerce is afforded by our own country. The government of the United States provides carefully for the most entire and unobstructed freedom in the interchange of products over almost half of the North American continent, and no one doubts that it is to this absolute freedom of exchange that we owe our wonderful advance in wealth, as well as in the ingenuity and intelligence of our people. Consider what must have been our condition had Virginia been allowed to lay restrictions and penalties on commercial intercourse with Pennsylvania, or New York to interfere with her citizens when they sought to exchange products with Massachusetts, or the North with the South, or the East with the West.

271. Yet if any such interference is beneficial, it would seem to be more necessary to protect the West against New England than against Europe; or the South against the North than against England and France. For, the plea for such interference being that it is necessary to enable the establishment of manufactures at home, and to maintain a high rate of wages, it is clear that Michigan or Georgia manufactures, for instance, can be more easily undersold by Massachusetts or New York than by English or German manufacturers, who must carry their goods so much farther to market, and must also draw their raw materials from a greater distance; and an ironmaster in such a State as Arkansas or California, which has no iron mines and few coal mines, would feel the competition of his Pennsylvania or Virginia rival far more keenly than that of an Englishman or German who must send his iron three thousand miles to our Atlantic seaboard. Yet we hear few complaints of such home competition; and a

California shipyard has produced for our navy one of the finest battle ships in any navy.

272. You must understand, however, that the people of the United States have long and deliberately consented to a policy in regard to external commerce which I have shown you to be injurious to the general welfare. No political party is yet united in demanding that the people shall be guaranteed the right of free exchange. Nor can it be doubted that the Congress has power to lay duties discriminating in favor of some branches of industry — and of course against others; for it is the essence of such discrimination that it injures some while it benefits others.

273. This is one of the great battle grounds of opinion in the United States; and as many large individual interests are arrayed in favor of such discrimination, and as the masses who are injured have not the means for as compact an organization as the few whom self-interest guides, it is probable that we shall see protective tariffs for many years cumbering our statute books, and lessening the general prosperity.

274. When the Constitution was adopted, most statesmen still believed that a country needed such interference with the free exchange of products to enable the establishment of home manufactures; hence the power given to Congress to “regulate commerce,” which undoubtedly means, and has always been held to imply, the power to interfere with exchange, not merely for purposes of revenue, but for the object of “protecting,” as it is called, home manufacturers. The first tariff or scale of external duties enacted by Congress had this object in view; and though unjust, partial, and impolitic, there is no doubt that Congress has the constitutional right thus to derange industry by partial laws.

275. One plea on which protective tariffs, as such interferences are called, have been justified, is that thus only can we have diversified industries. If this were true, it would really justify the protectionist system—for diversified industries are a great benefit to a nation. But in the next section I hope to show you that so far from favoring a diversity of industries, protective tariffs have really, in our country, discouraged and destroyed many small industries, and created a powerful, and, to the people, irresistible tendency of both capital and labor toward a few great industries.

XXX

OF DIVERSITY OF INDUSTRIES, MONOPOLIES, AND TRUSTS

276. THAT nation or people is happiest which has the most widely diversified industries; because its members will be led inevitably to the exercise of great and varied ingenuity and enterprise, while at the same time capital, the fruit and reward of labor, will be more equally distributed among the population than in a country where but a few industries are pursued.

277. Take, for instance, a region devoted to grazing, or to the cultivation of cotton only, and you will find the mass of the people dull and subordinate, and the wealth in few hands. In like manner examine a district devoted mainly to the production of crude iron, coal, or cotton fabrics, and you will find the mass of the people subordinate, in poor circumstances, comparatively ignorant and unenterprising, and not ingenious, while the greater part of the wealth of the community is concentrated in a few hands.

278. But find a district where the people are engaged in

a multitude of small industries, and you are sure to find wealth more equally divided, comfort more widely diffused, and the people more enterprising, intelligent, ingenious, and independent.

279. To contrive a system of laws, therefore, whose tendency and effect would be to draw large numbers from the smaller industries which they would naturally pursue, and concentrate their labors upon a single pursuit, would be to degrade the character of such a population, by making it less ingenious, enterprising, and independent than before; and this the more if this single industry should be of a kind which required in the mass of those engaged in it but little skill or thought, and at the same time required that much capital should be devoted to it. For in that case not only would the character of the people deteriorate, but wealth would more and more be drawn away from the smaller industries, and concentrated in the larger, and the mass of the people would become in time less independent, prosperous, and comfortable.

280. Now this grave injury has been done to large classes of our population by what is wrongly called the system of "*Protection to Home Industry*," which is simply an interference with the right of free exchange.

281. To comprehend how "protective" laws, so called, degrade home industry, and prevent diversity of industries, I must first explain to you the natural progress of industry in any country.

282. When a new country begins to receive population, men being scarce and land abundant, it is inevitable that wise men will turn to industries which require for their prosecution the least amount of labor, because the rate of wages will be high, laborers being few. Hence in our new territories grazing is at first a favorite and profitable

occupation. As population increases, lands rise in price, and farming is begun; and presently villages make their appearance, where blacksmiths, carpenters, masons, wagon-makers, and shopkeepers gather, to supply the farmer's needs, and afford him for at least a part of his surplus products a near market. Capital or surplus rapidly increases in a new country; as population continues to stream in, new industries are devised, and the region which at first imported everything except its meat becomes more and more self-sustaining; for capital, intelligently directed, spies out the wants of the people and the natural resources and advantages of the land; and it is not long before even some articles of manufacture begin to be exported to neighboring districts.

283. By this time roads and perhaps railroads have been built, and, by lessening the cost of transportation, and increasing production, the cost of living has been greatly cheapened; new enterprises no longer offer such great rewards as at first to capital, and the rate of interest has consequently fallen; increasing population has lowered the rate of wages—without, however, necessarily lessening the comfort of the laborers, *for all prices are also less*, as you have seen. Finally, there is a numerous class of hired laborers, whereas in the beginning almost every man was his own employer. At this stage, what we call manufactures naturally arise. Capital, seeking new means of profitable employment, provides machinery, raw material, and wages for the use of laborers also seeking new ways to earn a living.

284. This is the natural course of a country's industries where arbitrary and partial laws are not used to force both capital and labor out of the channels nature has provided. In this natural development the ingenuity and enterprise

of the people have constant exercise ; capital is for a long time pretty equally diffused, because there will be a great and increasing diversity of small industries ; the character of the population will be high, its independence great, and prosperity will be general. The greater operations of industry, which require extreme concentration of both capital and labor, will be deferred, until at last the country's natural resources are fully explored, and the accumulation of wealth and the increase of population are both so great as to lead naturally and safely to such employment for both. The stages of development in such a case will be slow, but sure, and there will be no great crisis or panic, nor any marked lowering of the condition of the people. Their ingenuity and desire for prosperity lead them to devise new industries and control new enterprises as fast as capital and labor offer to prosecute them ; and it is an important consideration that these new enterprises grow naturally out of the conditions of the country, as to climate and productions, and the wants of the people.

285. Unfortunately this natural and sound growth is not permitted. Different motives, among which are national pride, a desire for more showy production, the subtle fallacy of supplying a "home market," but mainly the greed for wealth and supremacy in individuals, unite to bring about the adoption of unjust and partial laws, enacted to favor some special branch of industry. These laws, under the beguiling name of "Protection to Home Industry," lay heavy duties on a few foreign products, in order to enable those who produce these articles at home to charge a higher price for them, and to give them the command of the home market—which means only, as must be plain to you, to compel the mass of the people to buy of the favored individuals at a higher price than they

could, but for these laws, buy for elsewhere; in other words, *to impede the free exchange of products.*

286. For instance, New England capitalists — helped, I believe, originally by some Southern men — began to clamor for duties on foreign-made cotton goods; and, contrary to the wish of the first promoters of cotton manufactures, a high duty was put on the importation of foreign calicoes, sheetings, and other manufactures of cotton.

287. Of course, a duty on the foreign product is a bounty on the home product. The home manufacturer raises his price to the price at which the foreigner can sell after he has paid the duty. A duty on calicoes, therefore, confessedly makes calico — the home as well as the foreign product — dearer than it would otherwise be; and all who wear calico must pay more for dresses, in order that the insignificant number engaged in making calicoes at home shall obtain their bounty.

288. Now it has never been pretended that the people of New England were starving when a duty was laid on calicoes and other cotton goods. They were, according to all accounts, an extremely industrious and ingenious people, engaged in such a multitude of small enterprises that “Yankee Notions” was the generic name of a great class of small inventions and products, all useful to mankind. Capital was widely dispersed in these petty industries, for which the character of the country and its inhabitants was well fitted; large fortunes were few and not easily accumulated, but the average of comfort, intelligence, and public spirit was uncommonly high.

289. The effect of the protective duty was, 1st, by offering an unnaturally high reward to capital, to draw that away from a number of the smaller industries, and concentrate it in a few great buildings filled with costly

machinery; 2d, to draw away a large part of the laboring population from their petty industries and their country homes into large manufacturing towns, and to employments which made them more dependent and less ingenious and self-helpful than before.

290. The life of a mill or factory operative being of a kind offering few hopes of advancement, and a smaller chance of independence than intelligent and enterprising people like to submit to, the best class of the New England population presently withdrew from it, or never entered it; but capital—then not superabundant in the country—having been diverted to manufacturing on a great scale by the “protective” duty, was made less abundant for small enterprises. The temptation of cheap and fertile lands then drew off the most enterprising population to the Western States; and the Yankee girls left the factories to fill the vacant places of those who had emigrated to the West.

291. The manufacturers, to fill the gap, began systematically to import foreigners, mostly of a low grade of intelligence, and have continued to do this to the present time; with results evident to the country in a gradual but serious deterioration in the character of the population, and in the corruption of politics.

292. To bring about these evils the women and children of the United States were compelled to pay tribute, during a great many years, every time they bought a new calico dress or a yard of muslin. Meantime this “protection to home industry,” or favoritism to a few at the cost of the great mass, has built up a few great fortunes, and a large population, subject, ignorant, to a large extent the easy prey of demagogues, and in many ways inferior to that it superseded. The average of comfort and intelli-

gence in New England is much lower than it was before "Protection."

293. You see here that "Protection to Home Industry" was a curse to people who were "protected," at the same time that it was unjust to that great mass of the population, which, not being engaged in cotton manufactures, was not "protected," but had to pay, in higher prices for clothing, the cost of protection to a few.

294. Take now another case, where an attempt was made to "protect" both the producers of a raw material and its manufacturers — of course once more at the expense of the great mass of the people, who are consumers. The woolgrowers and the wool manufacturers combined to appeal to Congress for "protection," and "encouragement for their home industries"; and their demands were granted. Naturally both American wool and American woolen goods immediately rose in price — that was the object of the men who asked for the high duties. Woolen shirts, trousers, coats, blankets, carpets thus cost more, in order that these two home industries might be favored.

295. The exclusion of foreign wool and woolens caused, 1st, a rapid and great increase in the production of American wool, also in the price of mutton — for the farmers, sure of a high price for wool, would not sell so many sheep to the butchers as before. But mutton, too, is an article of universal consumption. 2d. The high duty caused the establishment of a large number of woolen mills, with expensive machinery, to build and work which capital was drawn from other industries where it was before usefully employed. At the same time people were drawn from farms and other employments into the woolen mills. Thus, as in New England in the previous case, the course of industry was in a double way changed.

296. But hardly had all the woolgrowers and woolen manufacturers got fairly to work when it was discovered that the exclusion of foreign-grown wool from so large a market as the United States had made it so cheap in Europe that manufacturers there could still sell their goods here, after paying the high duty, in competition with ours in our own market. Then followed a demand for still higher duties on the foreign goods.

297. But this additional protection for themselves enabled our manufacturers to import some foreign-grown wool; whereupon the woolgrowers began to clamor; they had greatly increased the product of wool—for sheep breed rapidly—and as many had paid high prices for sheep, they did not like to lose the benefit of protection.

298. But it was reasonably urged by manufacturers that to exclude foreign wools entirely was to confine our manufacturers to making but few varieties of goods, and those not the most profitable, because, for most kinds of goods, the manufacturer needs to mix in the looms the wools of different climates and countries. Hence the exclusion of foreign wool, and an overstocked market in some kinds of goods, caused the stoppage of many factories; a general stagnation of the business—under the high duties, remember; consequent fall in the demand for American wool, and prostration of the protected woolgrowers; all to the advantage of only a few wealthy and cautious manufacturers, who happened to be able to take advantage of the low prices.

299. Here was a loss to farmers, manufacturers, and operatives by “protection.” Nor was this all. Machinery lives, though men die. If it stands idle, it deteriorates; new inventions supersede it by and by, and if it has stood idle it has not earned the cost of replacement; hence ac-

tual loss of much capital. As to the workmen, drawn away from other and more healthful employments, and made more dependent than formerly, many were turned adrift.

300. To achieve these miserable results — to cause loss to the farmers as well as to the manufacturers and their laborers, to derange an important industry, and benefit only a few speculators who were ready to take advantage of the general loss — the whole American people were obliged by a partial and unjust law to pay needlessly high prices for coats, trousers, blankets, carpets, flannels, and woolen dresses.

301. Take yet another example, differing from the foregoing — the manufacture of crude and rolled iron, which includes pig and railroad and other bars. Laws placing a penalty on the use of foreign iron have existed on our statute books for a great number of years; they were adopted on the plea that we possessed rich ores and abundant coal and limestone, and that we could not safely be dependent on foreign nations for so necessary an article as iron, because we might in such a case be very seriously inconvenienced in the case of war. I hope you are logician enough to see the fallacy in this proposition — it lies in the implication that without a penalty on the use of foreign iron, and a consequent bounty to the home manufacturer, no American would have engaged in this industry. But if, as is most true, we have abundant supplies of excellent ores, fuel, and fluxes — that is to say, if nature has put us into an uncommonly advantageous position for making iron, surely it is too much to say that we could not or would not use these natural advantages without an additional bounty from the government.

302. The “protective” bounty, however, caused a rapid

flow of capital and labor from various other industries to this crude pursuit — one of the lowest of all, the least elevating to those engaged in it. The capital and labor *were diverted from industries naturally more productive*, and this of course put a serious loss upon the general community; because thus less aggregate wealth was produced, and the means of exchange were lessened. But, further, the hope of extraordinary gains from protection — which promised the ironmaster a monopoly of the home market — led men to rash ventures. Many placed their iron furnaces badly, so that they labored under natural disadvantages, and needed protection, in fact, not from European ironmasters, but from their more judicious neighbors.

303. Another result of high protection is that the masters of the subsidized industries are not quick to introduce new and improved machinery, and *thus cripple our industries. They are less apt to use their brains.* Thus, some years ago an American, visiting an English manufacturer of a specialty in woolen goods, discovered that, in spite of our high tariff, he continued to export his goods to the United States; and asking curiously how it could be afforded, the Englishman replied by showing him that he had just put in an entire set of new and greatly improved machinery, *and had sold his old and wasteful machinery to a manufacturer in the United States* — to his competitor, namely, who depended not on ingenuity, or cheap means of production, but on “protection,” and no doubt petitioned Congress for higher duties as soon as he had set up the Englishman’s cast-off machines.

304. The object of a “protective” duty on foreign iron is, of course, to enable the American ironmaster to charge a higher price for his product. But think for a minute

what an addition to the price of iron means to our own people. It means that the carpenter shall pay more for his tools, the blacksmith for his horseshoes, the house-builder for his nails, the housekeeper for her pots and kettles, the farmer for his implements — it means that houses shall be dearer and house rent higher; that all agricultural operations shall cost more; that all machinery shall be more costly, and therefore all clothing and other necessaries of life produced by machinery shall be dearer to the poor; and, finally, that railroads, which use enormous quantities of iron in rails, locomotives, and cars, shall be more costly, and therefore freights higher *forever* to the farmer who wants to get his produce to market.

305. That is to say, the duty on iron has taken something out of the pocket of every man, woman, and child in the United States, and by that much lessened their comfort and prosperity; and it has done this, as you have seen, to make the fortunes of a comparatively small number of capitalists engaged in the production of iron.

306. We have in recent years become, under the artificial stimulus of protective tariffs, a great manufacturing nation; with the result that we produce, of protected articles, more than our own people can consume. Statisticians say that, in normal conditions, we are able to manufacture in nine months what we can consume only in a year. Hence, periodical closing of factories, to the loss and distress of the workpeople.

307. But another and curious result is that more and more the surplus of our protected factories is thrown on foreign markets, where it is sold at a price *lower* than is exacted from our own people by our manufacturers. Thus, to take only one example, during many years in which a high duty on copper prevailed, American copper was sold

in the London market at a lower price than in this, the country of its production; of course, to the disadvantage and loss of all Americans who used copper.

308. Again, as high duties overstimulate production in the "protected" branches of industry, we see the creation of monopolies, called *trusts*. These undertake to maintain artificially high prices, by paying some of their competitors to close their works, which, of course, not merely limits production, but throws workmen out of employment. One of the earliest of these efforts to limit the supply of a necessary of life was called the "Salt Ring." Congress, to please certain influential American producers of salt, laid a very heavy duty on foreign salt. When I saw, at that time, on a journey through West Virginia, some salt works standing idle, and asked the reason why, I was told that the owners of these works were paid by the "Salt Ring" a fixed yearly sum to close their works, discharge their workmen, and, by so much as they would have produced, limit the American people's supply of salt.

309. "Trusts," as they are called, are attempts to monopolize production and maintain artificially high prices. *They have their foundation in protective tariffs.* You will see this if you reflect that such a monopoly, aiming to control any branch of production, would find its scheme at once checked and overthrown, *under freedom of commerce*, by importations from other countries. Such a "trust" could succeed, *if commerce were free*, only if it could persuade or force all foreign producers in the same branch to enter its combination.

310. The interference with commerce and the right of exchange by "protective" duties strikes, as I have shown you, at the foundations of honest industry. *It is an interference with real freedom.* It injures in many ways even

a simply organized or semibarbarous community ; but as society becomes more highly complicated, the injury done by such partial and therefore unjust laws becomes constantly more serious and threatening. And these increasing evil results affect, not merely the physical, but also the moral welfare of the communities which tolerate them. They suffer not merely by the derangement of industry, which makes labor for wages uncertain and unsatisfactory ; not merely in causing artificial high prices, which are an injury to the mass of the people who are consumers of products ; not merely in giving opportunity to monopolists at the expense of workmen thrown out of employment or irregularly employed. These are serious material disadvantages.

311. But such partial and unjust interferences with one of the most important of human rights bring also moral evils of a serious character : the increased greed for gain and for great wealth, in the more active and less scrupulous members of the community, to whom such laws offer tempting opportunities ; the corruption of legislative bodies by them in their efforts to secure selfish advantages by the enactment of laws ; the lowering of public spirit ; the narrowing of the people's chances for a *satisfactory* living ; their consequent decrease in intelligence and independence ; the keeping alive of popular ferment and discontent. Statesmanship and true leadership perish where the main thing required of a public man as a leader is to secure for his capitalist constituents laws intended for their advantage, and not for the common good.

312. We see this exemplified already in several of our States, in the confessed deterioration in character of their representatives in both Houses of Congress, as well as in the legislative bodies — where large communities have

been taught, for many years, that "protective" laws, — that is to say, partial and unjust laws for the merely material benefit of a few, — are their sole or greatest interest in the Union of States which makes up our government.

XXXI

OF LABOR AND CAPITAL

313. THE spirit of accumulation — of industry and self-denial — being once aroused in a people, and encouraged by their security in the enjoyment of property, and facility in exchanging their surplus products, which gives them value, it is clear, considering the difference in men — some being weak of body, less persistent, less ingenious, or less self-denying than others — that inevitably some will accumulate less property than others; and that many will, in fact, accumulate nothing, but consume all they produce, and as fast as they produce it.

314. But in many emergencies of a man's life it is absolutely necessary that he shall have some surplus to start with. Take as an instance the gold hunters in the early days of California. A multitude of men rushed to the rich placer diggings, hopeful of speedy fortune; but a large part of them presently discovered that they must eat and drink, and be clothed and sheltered, while they looked for and dug out gold; and not having a surplus sufficient to provide themselves with food, clothing, and shelter in this emergency, what should they do? Die? No; a man who found himself in that situation sought out another who had a surplus, and said to him, Give me food, clothing, and shelter, or the means of getting these, and I will give you my strength and skill, until I have saved by self-denial a

surplus sufficient to enable me to prospect and dig on my own account. That is to say, he became a laborer for hire, or wages.

315. Suppose now he could have found no one thus ready to hire him and pay him wages. Suppose every man who had a surplus (this surplus being capital) had laid it away in a strong box, and refused to use it in paying wages for the labor of the man without surplus. Do you not see that the chief sufferer in this case — the only immediate sufferer, indeed — would be the man without surplus or capital, and in need of food and other necessaries of life, which he could get only by wages — or theft?

316. But here you have the whole question of capital and labor; and if anybody tells you that there is a necessary and natural antagonism between capital and labor, you may safely set him down as a misguided person.

317. Capital is simply accumulated savings. He who has it becomes the enemy of labor when he hides his capital in an old stocking, or a fireplace, or in the ground; when he refuses to make use of it. When he does this we call him a miser, and despise and dislike him, as is but just, for then only he sets up his selfish interest against his fellow-men.

318. But while property, surplus, or capital is used by its possessors, it is a benefit to the whole mass of those who have no capital, and to whose advantage it is, as in the case of the needy miner, to be able to receive wages for their labor. The more numerous the laboring or non-capitalist class is, the more important to them, you must see, is a large accumulation of capital, for they depend on that to enable them to earn wages, and in their turn, if they will exercise self-denial, to save a surplus; and no one is so seriously injured as the laborer for wages,

by any event — be it a war, an unjust law, a corrupt government, or a currency of variable and uncertain value — which lessens the safety of accumulations, alarms their owners, and makes them reluctant to venture on new enterprises.

319. It is therefore fortunate for the less prosperous of mankind that the spirit of accumulation leads those who own property to seek ways in which to use this very property or capital in adding to their stores; *for thus the efforts of the poor, the non-capitalists, are lightened, and made more productive for themselves than they otherwise could be.*

320. Capital is simply accumulated savings. In the United States any laborer may hope to acquire property, if he has health and intelligence, by the exercise of industry and economy; and it is one of the commonest, as well as, to a thoughtful man, one of the most satisfactory experiences, to see a young man, after laboring faithfully for hire for a time, presently begin on his own account, and by and by become, in his turn, the employer of other men's labor as well as his own.

321. While it will probably, for a long time to come, be necessary, as well as advantageous, to the mass of men to labor for wages, *that country is the most fortunate in which it is the easiest for an industrious and self-denying citizen to lift himself from the condition of a hired man to that of independence, however modest.* It is extremely important that neither laws nor customs shall interfere with this change, but that all doors shall be opened for it. For, though not one in a thousand of the laborers for wages may choose thus to elevate himself to independence, it adds materially to the contentment and happiness of all to believe that if they chose to do so they might; and that

efforts not beyond their powers would always open the way to them.

322. As the accumulated wealth or savings in any country is thus a source of subsistence and a means of advancement, not merely to the individual owners of this wealth, capital, or property, but to the whole population, and especially to that part of it which labors for wages, and *who could not receive wages if accumulated capital did not exist, or if it were destroyed*, so it may be said without exaggeration that *no part of the community has so vital an interest in the abundance, freedom, and security of capital as those who labor for wages*. For though the individual capitalist may be seriously inconvenienced by events which lessen or make insecure his accumulations, he has still the resource of removing his capital, especially if it consists of money, to a more secure place; of withdrawing it, at whatever loss, from enterprises which afford employment by giving the means out of which to pay wages; or, in the final resort, of living upon it without seeking any return for its use. In any of these cases the laborers for hire suffer first and most severely. This you may see in every great panic and business crisis in our country, when those who possess a surplus or capital at once begin to hoard it, and to withdraw it from enterprises.

XXXII

OF CORPORATIONS, AND LIMITED LIABILITY LAWS

323. A CORPORATION is an association of persons united to promote a common purpose, either of pleasure or business. Thus a club, a church or hospital, an insurance or railroad company, may work as a corporation.

324. Corporations are called in law "artificial persons"

because they have no natural existence, but are the creatures of law. Observe that while individuals have but a limited duration of life, a corporation may have an existence far longer than any individual life; it renews its youth by the selection of new members as the old die.

325. Originally each member of a corporation was personally liable for the debts, and, in a degree also, for the misconduct of the corporation.

326. A contrivance called a "Limited Liability" law, dating from about the middle of the nineteenth century, abolished this unlimited personal liability, and placed those corporations which took advantage of it — as all now do — on an entirely different basis. Under "Limited Liability" laws, each shareholder in a corporation is liable only for the amount of his own shares, and not at all for the corruption or other misconduct of the corporation.

327. This strict limitation of the responsibilities of shareholders has done a great deal to promote commercial and manufacturing enterprise and activity, and to enable in particular, *by the use of capital contributed by great numbers of people*, to forward the construction of many great works, such as railroads, telegraphs, bridges, factories, mines, etc. But while it has thus been useful in some important respects, it begins to be seen that it has had also some seriously evil results.

328. It has brought about an injurious separation of interests between the stockholders and the workmen employed in their enterprise. The shareholders may live anywhere; they need not even be inhabitants of the country in which their enterprise is carried on. They look only to their individual profits or dividends, and feel no concern for the welfare or character of those they employ. They confide their interests to a board of directors,

who are their managers, and have, in effect, the sole power and control.

329. As one result, this system has given opportunity for immense and unscrupulous speculations by directors in such companies, who, in numerous cases, have used their power of control even against the general good of their shareholders, and solely for their personal advantage.

330. Again, such corporations have, in numerous instances, influenced governments, State, Federal, or city, to give them privileges injurious to the public good; and they have been tempted to get these by the use of corrupting influences on legislative bodies.

331. "Limited Liability" laws have also been helpful to the creation and maintenance of monopolies. And they have increased, abnormally, the vice of speculation or gambling, demoralizing to the community.

332. All these and other evils are increased by the fact that such corporations are not always content to work under general laws, but seek special charters; and it may be taken for granted that when a "Limited Liability" corporation seeks a special charter, it has for one of its objects to obtain special advantages injurious to the public.

333. While, therefore, "Limited Liability" laws will no doubt continue, it is the conviction of many wise citizens that the whole system needs to be thoroughly recast and improved, so as to guard more carefully the rights of the people against the vast aggregations of money which such laws draw into the control of a few men—to limit their powers and increase their responsibilities.

334. Corporations ought to be very rigidly held to the strict performance of their duties to the public, and their directors should be subject to severe punishment, not merely by money fines, but by imprisonment, for failure

in duty or malversation of their trust. The privileges granted them ought to be much more carefully defined and limited than they are under present laws.

335. To labor for such a necessary and useful reform would be one of the most beneficent acts of Trades Unions, of which I will next tell you.

XXXIII

OF TRADES UNIONS AND STRIKES

336. TRADES UNIONS are associations of men working for wages, having for their object to guard their interests as bodies of laboring men. They seek, by united effort, to obtain "better terms"; and *they have an undoubted and complete right to such association*. They have their justification, if any were needed, in the existence of "Limited Liability" laws, which enable and favor the exercise of vast, and as yet badly limited, powers in the hands of a few shrewd and often unscrupulous employers.

337. Wisely managed, such associations of hired laborers may do, and in some cases in this country have actually done, good, not only to their members, but to society at large. Their serious fault is that on the whole they have not accomplished nearly the good, even for themselves, which they might and ought to have done if their aims had been higher and broader, and more wisely founded on the general welfare; as they would have been, if they had sought for advice, or even leadership, men trained in economical laws, and capable of framing for them a wise and far-reaching policy, instead of the hand-to-mouth policy which most of these associations have followed in this country.

338. For trades unions and labor societies in general arise out of a perfectly just feeling, among hired laborers, that they are less comfortable than they wish to be. Education has, in all civilized countries, given to the great class of laborers for wages the taste and desire for a greater amount of comfort than contented them in other days. But some of the theories on which they act are not merely unsound, but tend to defeat the very ends they have in view, by repelling from their ranks a great body of workmen whom, for success, they ought of course to attract.

339. It is one of the serious faults of trades unions and other labor associations that they hold that men have a vested interest in their employment; that a mason, for instance, has a right to his living *as a mason*; that society owes him a living, and on such terms as his union proposes, *by that trade*. I wish particularly to warn you against this error. No man has the least right to subsistence as merely a mason, or a shoemaker, a lawyer, a clergyman, a tailor, a bricklayer, or a miner. If his labor as a mason is surplus, if no more masons are wanted when he comes along with his trowel, it is his duty to *go at something else*. A man who regards himself as *only* a shoemaker, a mason, a tailor, a bricklayer, a bookkeeper, or a clerk, sacrifices his independence, and makes himself the sport of circumstances. In our days, when new inventions continually change the methods of labor, it is especially hazardous for men to bind themselves for life to a single employment; and those only can hope to benefit both themselves and their fellow-laborers who, when they find their occupation overcrowded, have courage and independence enough to seek a new calling, or a new field of labor.

340. When wages in any industry fall to a point too low to afford the laborers engaged in it a comfortable subsistence, and with prudence and economy a small surplus, that is a proof that labor presses too severely upon the capital which can be profitably employed in that industry. Suppose, now, ten thousand persons employed in such an industry, and all enrolled in a trades union. Their present course would be to strike. *Their true course would be to use the fund which every trades union accumulates, to send surplus members to a region where labor is better rewarded; that is to say, to reëstablish the disturbed equilibrium.*

341. THERE ARE NO SURPLUS MEN IN THE WORLD: when any one appears to be so, he is only in the wrong place. Enable him to go elsewhere, and teach him that he shall, if need be, *do something else*, and he is no longer surplus, but highly necessary to civilization. More than one half of our planet still lies waste and useless, and suffers for lack of strong arms and stout hearts to redeem it.

342. It is another fault of trades unions, resulting from the first named, that some members of unions consider themselves at liberty to oppose, intimidate, and sometimes physically injure nonmembers who are of the same trade. I want you to consider this carefully; because it is a very grave matter to all workingmen, whether they are members of labor associations or not.

343. When laborers for wages make a demand upon their employer, accompanied with a threat that if he refuses they will leave him, they are said to "strike."

344. Of course, *every workman has a right to make his own terms with his employer*; and it can make no difference — so far as right goes — whether he acts singly or whether he joins a number, great or small, of his fellow-

laborers in arranging or rearranging these terms. *All laws having for their object the prevention of such combinations and strikes are therefore unjust and oppressive.* Every man has an inalienable right to seek to better his condition, and the means he uses for that end lie within his discretion, saving only, of course, that *he must keep the peace.* *As a workman has no defense against an oppressive employer except the threat to leave him, it would be the extreme of injustice to deprive him of that.*

345. His strike may bring loss and inconvenience, not only upon his employer, but upon the general community: that does not lessen his right to strike, or to combine with others in a strike. It may be unwise, and bring suffering upon him and his associates and their families: that, too, does not impair his right. In short, *when a laborer strikes, he exercises only the liberty of deciding to whom and on what terms he will hire his labor;* and to interfere with that right would be to take away his freedom and make him a slave.

346. But *the rights he has and uses he must allow to others;* and the striker has no right to coerce any other workingman to join him; when he does that he becomes a criminal of a very grave kind, for *his wrong affects the rights of all workingmen.* If it were granted that a striker might rightfully force another workman to join him, he would thereby give up his own rights and liberties; for clearly, *if he may abridge the freedom of another, somebody else, by the same right, may lessen his.* If you have a right to force me not to work, another may, by the same right, force you to work. The striker therefore encourages the grossest and most absurd tyranny against himself when he interferes to force some other man to cease work.

347. A "strike" is the crudest and least advantageous

way to cure a labor grievance. If it is accompanied by violence, it becomes a crime. Trades unions, as they come under wiser leadership, will use the means they are able to accumulate to seek out new fields of labor, and will teach their members energetically that *lawful* liberty is the chief glory of a nation and its maintenance the most important duty of a citizen; that with patience and by lawful methods, all abuses can be removed or cured in a *free* country; that no man has a vested interest in a trade or employment, because that would create a monopoly.

348. Perfection comes very slowly under free government; abuses are slowly cured. But they ARE cured, while under a despotism they only flourish and increase. Our "Limited Liability" laws are not perfect, and as they stand open the door to many demoralizing abuses. Our trades unions are not yet wisely managed. But *while all good citizens unite to maintain lawful liberty* in the land, all abuses will be on the way to removal or cure.

XXXIV

OF PROHIBITORY LAWS, SO CALLED

349. BENEVOLENT and philanthropic men, unless they are also wise, which is not always the case, are fond of trying to make men virtuous by act of legislature. Long experience has shown, however, that purely social evils or excesses, or even prejudices, can not be cured by laws.

350. The intemperate use of spirituous liquors is one of the greatest curses to which modern society is exposed; it is the cause of at least three quarters of the vice, crime, poverty, pauperism, and misery to be found in our country. If you were to cut from the newspapers all the reports of

murders and attempts to murder during the year, you would find that at least three out of four arose out of the misuse of spirituous liquors. If you trace to its source any case of crime, poverty, or extreme misery you may meet, the chances are at least four to one you will find "Rum did it." If we could prevent the misuse of spirituous liquors, we should save at least one half of the taxes collected by States, cities, and counties, and very appreciably raise the average of comfort and prosperity among the people. The gravity of this evil is so generally recognized that the word "Intemperance" has come to have a narrow application in the public mind, being used generally to signify the misuse of alcoholic drinks; though men and women may be and constantly are intemperate in many other things, as in eating, in the strife after wealth or social or political distinction, or in their use of cards and other means of amusement; and I have known boys who were intemperate in eating candy and gingerbread, in the use of firecrackers on the Fourth of July, or in novel reading.

351. When a boy manifests a morbid and depraved desire for candy, judicious parents deny him this indulgence—but they do not necessarily deprive all his brothers and sisters who have no such morbid craving. So when a man has contracted a passion for gambling, he does well to avoid the use of cards entirely; but it does not follow, because some men intemperately waste their means in poker playing, that all elderly ladies and gentlemen should be forbidden a harmless and pleasant game of whist.

352. In many of our States, however, philanthropic persons demand what is called a Prohibitory Liquor Law—a law entirely forbidding the manufacture, importation,

and sale of spirituous liquors as a beverage; and they demand this because they believe the only way to extirpate the vice of intemperate drinking is to stop the use of liquors entirely.

353. *Lawmakers, in order that their labors may be effective and useful, are bound to bear in mind the passions and natural tastes of mankind.* Not every wrong or evil can be cured by law; and there are matters which the wise lawmaker leaves unnoticed on the statute books.

354. Further, it is important for you to know that *any law is unwise which has not the general favor of the community to which it is to be applied*; for if a law has not this general countenance and support in public opinion, it can not be enforced in a free state. It is only a despotic ruler who can, by force of arms, terrify and compel his subjects into a change of their habits.

355. In legislating upon the subject of spirituous liquors, a wise lawmaker would remember that the craving for stimulants is very common among mankind; that spirituous liquors and wines are of important use in diseases, and when moderately used are doubtless of service in preventing some diseases; that the right of a man to decide whether or not he needs a stimulant can not be declared by any general law, because each case must necessarily be judged upon its own features, and it must therefore practically be left to himself; *that it is not a function of law to prevent a man's injuring himself*—else the government would have to interfere in every act of our lives, *but only to prevent him from injuring others*; and that, finally, a law cutting off the supply of an article in common demand cannot be carried into effect without vexatious and justly hateful searches and interference with individual desires and tastes. To a wise lawmaker, therefore, greatly as he

might be impressed with the evils arising to society out of the misuse of spirituous liquors, a general law totally prohibiting their sale within a State, or the United States, would seem inexpedient, because it could not be enforced; and if it could be, would involve an unjust and vexatious interference with individual rights.

356. Prohibitory liquor laws are thus unwise, and their adoption ought to be opposed, because they are directed, not against the abuse, but against the use of an article. But society has a right to seek, by judicious regulations, to protect itself against the results of the misuse of liquors. It has a right to exact of the retail liquor seller a tax or penalty for the privilege of pursuing his injurious calling, and to establish and enforce severe penalties for selling without such permit or license. It may rightly levy a fine upon the liquor seller in whose house a drunken man is found, and put a penalty upon habitual drunkenness—which might very justly be enforced labor for the benefit of his family. Also the community may refuse entirely to license barrooms or other places for the sale of liquor at retail and its consumption on the premises. Moreover, it would be eminently just to devote the proceeds of liquor licenses to the support of the hospitals, poorhouses, orphan asylums, jails, and penitentiaries which the misuse of strong drink does so much to fill; and the necessities of these charitable and penal institutions might be made, in any State or county, the measure of the license fees which should be exacted from liquor sellers, instead of fixing a mere arbitrary sum. In this way, at least those who keep and frequent tippling-houses would be obliged to make up to the community some part of the money loss inflicted upon it by their vice.

357. In the vain attempt to prevent the *use* of intoxi-

cating liquors, the temperance people have neglected some effective measures for lessening the *misuse* — which is all they have any business with. It has been practically demonstrated, for instance, that it is a great help toward temperance in the use of alcoholic drinks, to empower small communities, townships, or even school districts, and wards in cities, to decide, by a vote of the inhabitants, the question whether retail liquor licenses shall be granted or denied within their bounds. This is called “local option,” and I will proceed to explain to you its uses.

XXXV

OF “LOCAL OPTION”

358. “LOCAL OPTION” is an application of the principle of decentralization, which was explained to you in Section VIII.

359. In our political system, as you have read, some things are assigned to the Federal Government, some to the State government, and some by this to the county, city, and township governments. It has been seen by wise men that some matters which have been usually left to the State, or to the counties and cities, might advantageously be assigned to the smaller political subdivisions.

360. For instance, a compulsory school law is found to be very difficult of enforcement over a whole State. In some parts public opinion would readily sustain such a law; in others it is opposed, and where this is the case such a law is likely to be a dead letter. Again, a law refusing liquor licenses would be sustained by public sentiment in some localities, but would be openly violated in others, where the public opinion was decidedly hostile to it.

361. If, now, instead of adopting one rule for all the people of a State, a legislature should empower every township, city ward, or school district to declare by a vote of its citizens, to be taken once a year, whether within the limits of such a subdivision licenses should be *granted*, or *refused*, it is evident that, as each of these small subdivisions would decide for itself, its inhabitants would be directly thrown upon their responsibility. If the majority wished tippling-shops, they would vote for licensing them ; if they wished to extirpate them, they would vote to refuse licenses ; *but it would be certain that public sentiment would enforce the law.* Moreover, by such an expedient the friends of temperance would be able to raise the question once a year, to bring it prominently before the people in each locality, and to show the people by statistical comparisons the economical and moral advantages of "temperance," which are very great. This plan has been successfully carried out in several parts of our country ; and it is found by experience that where the people of a township have persistently refused to license shops for the sale of liquors and its consumption on the premises, in barrooms, that is to say, crime and pauperism have been almost entirely extirpated.

XXXVI

OF PARTY GOVERNMENT—THE IMPORTANCE OF THE
MINORITY

362. IN an ideal state, the people, gifted with unflinching discernment of merit, would select continually, and without prompting of any kind, the wisest and ablest men for their rulers ; and these rulers would devise always the most beneficent and the noblest policies for the nation, State,

or city. Practically, however, these matters are managed somewhat differently. The voters are guided more or less by political leaders in whom they have confidence, and by appeals to their prejudices. Men are brought into political life by careful management of their friends, and of the higher chiefs of a party, who are always on the lookout for capable men to help them. Platforms are studied over and prepared by small coteries of politicians, who aim to make them attractive to those citizens by whose votes they hope to be elected, and conformable to the policies which the party desires to advance.

363. As men in the actual state differ in judgment as to the wisdom of different policies, and as not merely regard for the general welfare, but prejudices, self-interest, and other passions move them, party government arises inevitably in a free country, and the voters are called on to decide, at elections, what policy, and what men representing such policy, shall have the preference.

364. *It is very important to the welfare of a state that both the great political parties shall be controlled by wise and honest men.* A feeble, or divided, or unprincipled minority can not offer an effective opposition to even the worst attempts of an unscrupulous majority. In reality, such an ineffective minority only helps to debase the majority; while a powerful, honest, and intelligent minority forces the majority to rule carefully and honestly. *A weak, divided, and ineffective minority may easily bring serious calamities on a country.*

365. The first duty of a minority is to become a majority.

366. A minority is as likely to be right as a majority; and if it is, and if it persists in asserting its principles, and if its leaders are able enough to frame a practical and constitutional policy, and to meet their opponents in argu-

ment before the people, it will, by and by, find itself in the majority.

367. A minority is contemptible and must fail when it has neither principles nor policy to oppose to the majority, but relies upon abuse of its opponents, or mere criticism of the majority's blunders. For, in such a case, unless the majority is extraordinarily corrupt or inefficient, the people, seeing no principles at issue, will condone its offenses and maintain it in power, out of a conservative spirit, which is one of the most valuable qualities in a free people. Nor are they wrong in this; for if the minority have no satisfactory policy or principles to offer, their struggle is merely one for place or office, with which the people have but little sympathy.

368. In general, inefficiency is more quickly resented by the people in their rulers than corruption, unless that assumes the dimensions of mere vulgar robbery. Inefficiency and corruption usually go together. But the strongest appeal of a minority to the American people is against injustice.

369. A strong and able minority is a very important part of a legislative body. Its office there is to examine and criticise the propositions and acts of the party in power; to scrutinize its expenditures; to expose its inefficiency, its usurpations of power; to ridicule its blunders; and to oppose all attempts at bad legislation. Where a minority is strong in votes, and has *able leaders*, the first effect of its vigilance is to make the party in power more careful in administration and legislation, and thus to benefit the country; and its second effect is *to rally to its side the most independent and ablest members of the majority*, and thus — if the majority is inefficient or corrupt — to prepare the people's minds for a change at the elections.

370. But, on the other hand, where a legislative minority lacks ability and statesmanship, and offers a merely factious or trivial opposition, it is very apt to fall into contempt with the people, and to injure its own prospects of political success.

XXXVII

OF THE PUBLIC SERVICE

371. To carry on the necessary business of the various governments we have, Federal, State, city, and county, in a country like ours, which will soon have a hundred millions of people, a large number of officials are required; and as there is a constant tendency to increase the "duties" of these governments, and to allow them to interfere more and more in the concerns of the people — this, of course, tends also to increase the numbers of those employed in the public service; the "Taxeaters," as they are often called by taxpayers.

372. The not unnatural, yet vicious, desire of party chiefs to strengthen their own power by rewarding their adherents with public office, paying them out of the *public* money for *party* service, of course strengthens the tendency to increase the number of public offices; to make a government assume new duties makes occasion, as you can see, for the employment of more officials.

373. The race for public employment has become a striking and disagreeable phenomenon amongst us. We are sometimes accused of being a "nation of office seekers." Partly this comes from the general perversion of our common school system, which trains the youth of our country too exclusively for clerical work, and thus leaves them almost helpless, except in one greatly overcrowded

set of vocations, when they come to enter practical life. A young man who is master of a good trade is not usually an office seeker. Partly also, no doubt, it comes from a general feeling that a place in the public service — though it does not offer permanence, or a career, and is in general poorly paid — yet brings, even in a petty office, honor or credit to the occupant, together with easier tasks and sure pay. But this propensity to office seeking has been very greatly increased by the practice of partisan chiefs promising “office” to incite their adherents to “work in the campaign”; and by the custom, which has grown amongst us, of turning out of place the incumbents, however capable and faithful, and putting in their places, on the coming in of a new administration, the party “workers” and personal favorites of those assuming power.

374. The most serious evil resulting from this senseless system of “rotation in office” is that it makes our elections not a strife for principles and policies, which is their true and honorable purpose, but a mere struggle for office, in which party workers have mainly in view not the success of a cause, but the plunder, so to speak, of the victory. It is what the party workers are to gain for themselves and their adherents and favorites which is in question in the election, not the best policy for a great nation, State, or city.

375. While we were a small people, and while our various governments, national, State, and city, had but few and simple duties, this system of “rotation in office” and the open “division of public plunder,” were tolerated — though you must remember that they had their origin long after the foundation of the Federal Government; and the fathers of our system did not reward party service with office, and did not think it honorable or patriotic to turn

out a competent and honest clerk in office because he was of opposite political faith.

376. But as our territorial area and our population have vastly increased, as our various governments more and more interfere in the concerns of the people, and as what we call civilization makes constantly more complicated our social system, to intensify the bitterness of party strife by holding out the "plunder of office" as an incitement and reward is seen by wise citizens to put a severe and dangerous strain on our free institutions. Party strife is bitter enough in all free states, as history, ancient as well as modern, shows, without adding the incitement of a great multitude of personal interests and ambitions. A practice which may have been considered harmless when we were a simply organized community of twenty or twenty-five millions, is dangerous to our free and popular government when we have become a very highly complicated social body of seventy-five or a hundred millions.

377. There has arisen, therefore, a demand for a reform of this growing evil. It is demanded that the men selected for the minor places in the public service shall be shown to be fit for their duties by a thorough and practical examination; and that the chief executive shall select such subordinates only from those who have passed such examinations. Also that the incumbents of places requiring only minor clerical duties shall remain while they perform their duties satisfactorily.

378. A very important benefit, you will easily see, would be gained to our country by the permanent establishment of this reform. Political leaders, having no longer what has been called the "cohesive power of public plunder" to appeal to and count on, would find it necessary to move the voters by the presentation of

well-considered public policies, and thus we might hope by and by to see statesmen, where we now see mainly political "bosses."

379. There are some important reasons why this reform can be carried into practice less by laws than by the strong force of public opinion, holding it a disgrace and an injury to the community in an executive chief to tolerate or submit to the "spoils system."

380. To make and hold the chief executive, be he president, governor, or mayor, responsible for the careful performance of his duties, it is obviously necessary that he shall have the selection of his subordinates and the power to dismiss summarily any of them who, in *his* judgment, do not perform their duties satisfactorily.

381. If he is deprived of this power he is, as you can see, at the mercy of his subordinates, and cannot justly be held responsible for the honest and effective conduct of the public service by the people. Thus, to make the post-masters all over the country elective officers, as has been proposed, would make them independent of the President, who could not remove them summarily for unfaithfulness or incompetence. This would at once and greatly demoralize that important public service. So, too, to make the subordinates of a governor or mayor elective officers, weakens and demoralizes the public service by lessening the responsibility, to the people, of the *executive head*. The voters can not usefully, or without injury to the public service, be required to elect subordinate executive officers.

382. But it is no lessening of the proper powers or responsibility of a chief executive to require that those he wishes to appoint to office under him shall be proved to be competent by a preliminary practical examination. If he honestly desires to serve the community, and not

merely to reward his friends at the public expense, such examinations will be a great help to him in making his selections.

XXXVIII

OF CONFEDERATION AND UNION

383. You already know from history that our country was first settled mainly by English people, who were formed into different colonies, subject to the English crown. Great Britain eventually acquired nearly all of our Atlantic seaboard.

384. The management of colonies by all the European governments was, at that time, conceived in the most narrow and selfish spirit. A colony was held, by the ablest statesmen of the eighteenth century, to be rightly treated as a dependency whose inhabitants were to enrich only the government and people whose flag they served, and the nation from which they were derived; and the people of a colony were therefore forbidden to trade with foreign nations, and even to manufacture for themselves many articles which were produced in the mother country.

385. The English Navigation Act closed the North American ports to all but English ships, forbade any but English subjects to engage in foreign trade, and prohibited the exportation of tobacco, wool, and other products of the colonies, to any country but England. Also the English colonists were forbidden to establish manufactures of several kinds, because it was held that they would thus injure the industries of England.

386. It was this interference with the right to produce what they pleased, and to exchange their products freely where they could do so most advantageously, which began

that alienation from England which ended in the Revolutionary War and the independence of the colonies. The greater part of the wrongs set forth in the Declaration of Independence grew out of the efforts of the British government to confine the commerce of the colonies to the mother country ; out of the determination of the Americans freely to produce what they pleased, and freely to exchange their products wherever it was to their advantage to do so.

387. During the Revolutionary War the thirteen colonies, which had become States, formed themselves into a Confederation ; but, jealous of their separate independence, and fearful of a new master, the States, in the Articles of Confederation, reserved, each to itself, almost all the powers of government.

388. The government of the Confederation had no president or other executive ; it had no power *over individuals*, either to tax, to coerce, or to punish them. It consisted of a Congress of delegates elected by the State legislatures, and upon this Congress were devolved certain duties, which, however, it had no power to perform. All its determinations were to be carried into effect by the States, which, however, it had no power to coerce.

389. The States, under the Confederation, reserved to themselves the power of the purse. The Congress could declare the amount of revenue needed to carry on the general government, but the taxes were laid and collected by the States according to a general apportionment, and when, as sometimes happened, some States did not pay in their quota, the Congress had no power to enforce its payment. The Congress had authority to declare war, but it could not raise a single soldier ; that was reserved to the States. The Congress was made an arbitrator between the States, but it was powerless to enforce its decisions. Finally, the

States, which alone could levy taxes, reserved to themselves the regulation of commerce, and the right to tax the exchange of products, not only those coming from abroad, but also *those which were sent from one State into another*; and it was not long before high and vexatious duties were exacted for the "encouragement of home industry," on the importation of goods from one State into another, which led, naturally, to retaliatory laws, and presently to *such obstruction of the exchange of products as caused a general prostration of all industries in all the States*. Production was discouraged, because markets were limited; at every State boundary customhouse officers stood to exact tribute of the man who had something to exchange; and *as the profitable-ness of industry depends on the right to exchange, and is diminished by every check placed upon the freedom of exchange, and by every limitation of the area over which a product may be exchanged*, production was fatally hampered, and the whole country fell into poverty.

390. The first movement toward our present form of government arose out of a convention called to remove some unendurably vexatious fetters upon the exchange of products. Commissioners were appointed by the legislatures of Maryland and Virginia to make freer to the people of those States the navigation of the rivers Potomac and Roanoke, and the Chesapeake Bay. They were unable to act effectively; and at their instance the legislature of Virginia, in 1786, proposed a convention of commissioners from all the States, "to take into consideration the state of trade, and the propriety of a uniform system of commercial relations." These commissioners advised a convention to revise the Articles of Confederation, and it was this body which in 1787 framed our present Constitution.

391. Once more you see the extreme importance of *free-*

dom of exchange to the prosperity of industry. Our Constitution grew out of the necessity of freeing the exchange of products from the fetters imposed upon it by the States; and accordingly those who framed it took care to secure in an effectual manner this great object.

392. The Federal Constitution differed in but two fundamental particulars from the Articles of Confederation which it superseded. It gave the central government, *within its properly limited sphere, direct power over individuals*; and by its limitation of the powers of the State governments, and its definition of the powers of the Federal Government (sections 8, 9, and 10 of Article I.), it established and has maintained *entire freedom for the migration of citizens and the exchange of products between the States. No citizen needs a passport, to pass from one of our States into another; and no State customhouses bar the way of commerce — or impede the free interchange of products — between the States.*

393. The adoption of the Constitution, by freeing the exchange of products among the States, at once revived industry, by vastly enlarging the market for all products. When men could sell over an immensely enlarged area, without obstruction, what they had raised and produced, every energy was stimulated which before was crushed, and we began thus, *by the removal of obstructions to exchange*, that career of prosperity and growth which has been the wonder of the world.

394. The union of the States under a central or Federal Government has thus been the direct cause of all our long and remarkable career of prosperity, and this because, first, it has secured to our people, within their constantly increasing area, unrestricted freedom of exchange, which has acted as a constant stimulant to their enterprise, ingenuity, and

industry. It has set a prize on intelligence by securing its products an immense market, covering nearly half of the continent, and that the richest part. Second, the Constitution assured homogeneous laws and free intercommunication over the whole of our territory, and thus made migration possible and safe, whereby new fields of activity have been constantly opened to the thrifty poor and to the restless and adventurous of our population.

395. Finally, the self-government in local affairs reserved to the States has enabled these to experiment safely, and to make changes in the State constitutions, not always for the best, but often needed improvements, and thus, by comparing results, gradually and safely to improve our system of government.

XXXIX

THE AMERICAN POLITICAL SYSTEM

396. APPENDED to this volume you will find the Federal Constitution, which I advise you to read with care.

397. You will discover that this instrument creates a government of limited powers, but of unlimited authority within its province. For instance, the President of the United States can not appoint any State officer, nor issue a command to him — not even to a justice of the peace or a constable in a township; but Congress may order the President to draft or compel half a million of citizens into the army in case of war. Congress may declare war, and raise armies and levy taxes to carry it on; it may declare who are citizens, how much gold shall go to a dollar, and how many pounds of wheat to a bushel; but it can not enact or repeal a city charter, nor interfere in the acts of even a township's trustees.

398. This limitation and division of powers we call decentralization. You have read of it in Section VIII.; and its practical application is one of the most important and beneficial features of our political system.

399. Under it, you must remember, the Federal Government has absolute command and power over every citizen and his property, *for certain purposes and in certain relations*; and this is necessary to give it efficiency. But it is *absolutely without power over the citizens in other relations*, and this is necessary to secure our liberties, and to give elasticity to our political system; which means *to make change possible without revolution*.

400. The people of the United States are a nation; the Federal Government is a national government in the truest and largest sense of the word; and the Constitution empowers it to do all that any nation can require of its government, and to act in the most direct and decisive manner upon the individual citizen.

401. The Federal Government has the exclusive charge of our intercourse, as a nation, with other nations; and it alone can make treaties. If you travel abroad, your citizenship is declared by a Federal passport; your rights are defended by the Federal Government; you are known as a citizen, not of New Jersey or California, but of the United States; the flag of your country is the Federal flag; and foreign governments have not even any official knowledge of the existence of our States.

402. The Federal Government has the exclusive authority to make treaties, to declare war and peace, to raise armies and maintain a navy; and though the militia in time of peace are trained by the States, this must be according to rules adopted by the Federal Congress. It has the entire charge of the common defense against attack

from other nations, and has the power to defend its own existence against insurrection, and make its own laws obeyed by all the citizens — all State constitutions and laws to the contrary notwithstanding. It is empowered to raise revenue by internal as well as external taxes, and, if necessary, to borrow money. Its tax collectors and other officers proceed directly against the individual citizen, and in its own courts. It has the authority to establish and maintain post offices, to coin money and punish counterfeiters; to fix weights and measures, to regulate commerce, to take cognizance of offenses committed at sea, in the Territories, and against the laws of nations; to declare who shall be citizens, and to grant patents and copyrights. And all laws enacted by Congress, for these and other purposes recited in the Constitution, are the *supreme law of the land*, and as such entitled to your faithful obedience, even though a State constitution or laws should command you to the contrary. For an act of Congress, a decision of the United States Supreme Court, or a command of the President *when this is in accordance with an act of Congress*, is above any or all State laws and constitutions. The States are so completely prohibited from interfering with the Federal Government in its own field, as this is prescribed in the Constitution, that they can not even tax Federal bonds; and the Federal power is so supreme, within its limits, that it may punish even the obstruction of one of its mail wagons.

403. It may be well to explain to you here, also, that when a citizen disobeys a Federal law he is directly dealt with — arrested, tried, and punished — by Federal officers and courts. In case of insurrection or rebellion, the Federal authority acts against individuals, not against States; and if a State adopts a law contrary to the

Federal Constitution the citizen who is called on to obey it may appeal to the Federal Supreme Court, whose decision in the case is final.

404. In all that concerns us *as a nation*, either in our external or internal interests, the Federal Government is thus supreme. But in a great many important relations it has nothing to do with us; and these are left as entirely to the State governments, and to the county and city governments, as the other and general interests are given to the Federal Government. In fact, great and apparently overshadowing as is the power of our central government, it is scarcely felt by the individual citizen, except when we have a war, which involves the raising of armies and a navy, and heavy taxation, or when we are cursed with a heavy debt, or serious internal disorders. In the first half-century of our existence as a nation there were millions of Americans who hardly knew that there was a Federal Government, except when they voted for a President or a member of Congress. The Federal revenues were then collected entirely at a few customhouses; the only tax-gatherer seen by the mass of citizens was a State officer; and the only evidences of the Federal power's activity which then came under the notice of the multitude of citizens were in the benefits they received from post offices, lighthouses, and the survey of wild lands.

405. A State government is bound to maintain peace and order within its limits, and thus to make its own laws respected: it is the governor of a State who, through the sheriff, his local peace officer, and by help of the State militia if necessary, puts down local riots and disturbances. But observe that if such riot becomes too formidable for the forces at his command to contend with, the State legislature (or the governor himself, if the legislature

cannot be convened) is authorized by the Federal Constitution to call upon the President for help.

406. And observe still further, what is very important for you to bear in mind, that if such riotous disturbance interrupts the functions of the Federal Government, as its duty to carry the mail, or to preserve its property, or collect its taxes, in that case the Federal Government, under the Constitution, is bound to step in and by *its* officials, and *its* soldiers if need be, summarily put down the law-breakers and restore peace and order. General Washington understood this distinction perfectly, in the case of the "Whisky Insurrection," so called, in the early days of our government.

407. The State government has the duty to punish crimes, except those committed against the United States or against the laws of nations; to appoint the police and maintain the prisons; to regulate the rules of inheritance. It has charge of education and the public health; it creates and regulates all corporations, such as railroad and insurance companies, *within its limits*; it declares who of its inhabitants shall vote; it may regulate the sale of liquors and poisons, and abolish nuisances. In all these matters, and others of the same kind, the State has jurisdiction and power, to the exclusion of the Federal Government; and the governor, the State courts, and the State legislature have abundant power to perform all their duties.

408. Within the State there are a number of political subdivisions: the county, township, and school district, and the city and ward; all these are created and may be changed by the State legislature, and to each a part of the work of government is assigned by the State constitution and laws, and in accordance with custom, which varies somewhat in different States. A city ward is the equiva-

lent of a township ; but cities are with us governed by a charter granted by the State legislature, while county governments are usually prescribed in a State constitution. There is no reason for this difference ; and the practice of granting special charters to cities has been the cause of much mischievous legislation, and of widespread corruption. A city government needs to be somewhat differently constituted from that of a county ; but there is no reason why all the cities of a State should not exist under a single charter, carefully drawn.

XL

OF THE RIGHTS AND DUTIES OF AN AMERICAN CITIZEN

409. IN all the constitutions, Federal and State, the people have reserved to themselves certain rights and immunities which none of their governments are allowed to interfere with ; and it is important that you should understand these.

410. As an American citizen, you are a free man ; and no one has a right to enslave your person, except for crime, of which you must first be convicted upon a fair trial in open court, or to take from you your property, except by due process of law.

411. You have a right to believe what you please ; to worship God as you please ; to express your opinions on all subjects freely : but you may be punished for libelous attacks on others, and for incitement to riotous and violent conduct, in violation of or resistance to law, in which last case it is as a rioter that you make yourself amenable to punishment. You may print what you please, with the same restrictions ; and you have the right to assemble

with whom you please, in an orderly manner, and to petition the State or Federal Government for redress of grievances.

412. You may be arrested only for cause mentioned in a proper and legal warrant, served by an authorized officer of the law, who must show you his authority.

413. You have a right to be released on bail, unless charged with a capital crime; and to be produced before the nearest court, on a writ of *habeas corpus*, in order that that court shall decide whether your arrest and confinement were properly made, and for sufficiently probable cause.

414. You have a right to a speedy trial by jury, to be confronted with the witnesses against you, to engage a competent person for your defense, and to know at once and definitely, when you are arrested, what you are charged with.

415. You have a right to appeal to the proper court for protection to your person and property; and if the constituted authorities fail to protect you, you have a right to damages for their neglect.

416. You have a right to be secure in your house against searches by officers of the law, except on proper warrant, which must first be shown you, and for sufficient cause.

417. You have a right to keep and bear arms, but not, in most of our States, to carry them *concealed* upon your person.

418. You have a right to sue for damages any officer of the law who arrests or tries you in an unlawful manner.

419. These are the sacred and inalienable rights of every American citizen. They make him secure against unjust or usurping rulers, and against unscrupulous attacks from a fellow-citizen. They enable the citizen to be safe against

injustice, or to obtain, by summary or immediate methods, redress against unjust attacks. They are possessed by all the people — women and children as well as men.

420. These are inestimable blessings to those who enjoy them. Many nations calling themselves civilized have them not.

421. It is your highest duty as an American citizen to obey the laws, *even if they are, in your belief, unjust or unwise*. General Grant once shrewdly said that the best way to procure the repeal of an unjust or unwise law was rigorously to enforce it. It is your right to expose the folly or injustice of a law, to demand its repeal, and to try to get a majority to repeal it. But *while it remains a law, you are to obey it*.

422. Under a free government such as ours, resistance to law is inexcusable in the citizens; because the people themselves cause the laws to be made; the constitution limits the powers of the majority and thus prevents its tyranny; the courts are open for redress of grievances; and by patient argument and exposure, before the people, the repeal of bad or unjust laws can with certainty be effected.

423. But further, it is your important duty as an American citizen to watch the conduct of public officers, the highest as well as the lowest, to see that they not only perform their duties, but also observe their constitutional limitations. And if they fail in this, then it is your duty to help to expose their misconduct, to arouse the general public opinion against them, and cause their punishment at the elections. This you are bound to do, whether such officers belong to your own party or to the other. For *it is only by such constant vigilance in the individual citizens that a free nation can hope to preserve its liberties unimpaired*.

XLI

OF CITY GOVERNMENTS

424. To secure a proper, that is to say, an honest or effective, government for great cities, is a problem engaging the attention of good citizens, not only in this country, but in several others. The rapid growth of these enormous aggregations of people is a phenomenon still of no long standing; the problem of effective city government under greatly and rapidly changed conditions is still new. It begins to be clearly seen, only of late, that the old system, still in the main retained, by which the city affairs are managed on the theory that it is a *political* corporation, like a State in the Federal Union, will no longer answer, because it is not true.

425. A modern city, with its thousands or millions of people closely crowded together in a narrow space, is really not a *political* but a *business* corporation. You will see this if you reflect that the duties of the heads of the city corporation have no relation to our State or Federal political movements or changes, but solely to the health, security, and comfort of the members of the corporation, the mass of the inhabitants of the city, namely. The citizens of a city rightly influence by their votes at State or Federal elections the policy to be pursued in the State or country at large, but you can see that the exercise of this function can not usefully be allowed to affect the *business* character and operations of the city government; and that where, as is now the practice, these two are mixed together, confusion and mismanagement are sure to ensue.

426. *The true and proper functions of the heads of a city corporation concern not party politics, but BUSINESS.* They have to control:—

1. The police and police courts, to keep public order and prevent and punish crime.

2. The streets, which must be paved and kept clean and clear; and of course the street railroads—so that movement shall be unobstructed and comfortable.

3. The charities, which means the relief of the destitute and helpless.

4. The water supply—on a great scale.

5. Lighting—by gas or electricity, also on a great scale.

6. Schools.

7. The preservation of the general health by sanitary regulations.

8. An effective fire department to prevent sudden and disastrous losses where houses are so closely crowded together.

9. Sewers, to carry off safely the refuse of thousands or millions of people.

10. Parks or public recreation grounds.

11. Wharves, piers, and bridges.

427. These, you will observe, are purely *business* matters. They have no relation to party politics or to the management of State or Federal affairs. Summed up, they *relate entirely to the security, health, and comfort of the members of the corporation, the inhabitants of the city*; and remember that these *business* matters must be attended to, no matter what other and different questions may be agitating the public mind, regarding the control or management of the State or Federal Government.

428. Think of some other great business corporation, a railroad or a manufacturing corporation; you would hold it absurd and only leading to bankruptcy if, in one of these, the stockholders should be required to vote for their

board of directors on partisan political grounds as Republicans or Democrats. Of course they would refuse to do so, and on the plain ground that the affair they are interested in has no relation to "politics" or political parties; what they want in their separate relation as members of such a corporation is skillful and economical management to produce dividends — and into that they would justly say party political questions do not enter at all.

429. Now, the "dividends" of the inhabitants of a great city are an effective police, clean and well-paved streets, due care for the public health, and so on. And the constitution and by-laws of this great corporation ought to be so framed that the heads of the corporation should be made to look after these varied *business* interests. It should be made possible to select them for their skill and integrity; but, above all else, *not* because of their relation to partisan politics.

430. This is the aim toward which, more or less blindly and clumsily, thoughtful citizens are working, in this question how to manage well those huge *business* corporations which we call cities. How, precisely, they are to be changed from *political* to *business* corporations no one can foretell; because no one can tell you how long the millions of people in New York, for instance, will endure to be made uncomfortable at a needlessly heavy cost — how long before they will see that, poor and rich alike, they get, while the city remains a *political* instead of a *business* corporation, very little for their money.

431. All reforms come about slowly in a free country — but they come; nor must you forget that in this case many difficult questions embarrass a true and businesslike settlement. For instance, our cities generally own their water supply; the question is now often asked why they should

not also own their gas and electric lighting works, their street railroads, all their "public conveniences," as they are called.

432. To this important question there is for you a conclusive answer. If a city is made definitely a *business* corporation, it may safely and successfully own these and other "public conveniences," and the proof that it may is in the fact that in some European cities and in some of the smaller cities of this country it is already successfully done. But while our great cities continue, as at present, political corporations, you will see, I think, that such "municipal ownership" would only increase inefficiency and waste. Partisan political management cannot be usefully applied in business corporations.

433. When this important and decisive change is brought about, as it will be, because the wish for it is strong in many able and influential men, the government of a great city on business principles will offer an honorable career to its ablest citizens. To be the *business* head of so great a corporation will be a worthy ambition for the greatest men. For able men like real power, and joyfully accept great and real responsibilities. They have a strong sense of duty.

434. Under our present system of partisan political government in cities you may notice that able men do not aspire to the mayoralty. Even the ablest and most powerful city politicians, the "bosses" as they are called, carefully avoid that really great place. It has sometimes occurred to citizens that "the boss" might be made mayor. But "the boss" is never of that mind. "Boss Tweed," as he was everywhere called, could in his time have been mayor, but he was careful not to suffer that—he put a dummy in that place.

435. I wish you to bear in mind that any system of government which does not easily *bring the brains to the top* is bad. You can see that even a political "boss" could not, if he were mayor of a great city, tolerate its misgovernment; because if he did he would be held responsible, and he knows that in that case his fortunes and ambitions would go to the ground, and he would be ruined.

XLII

OF TRIAL BY JURY

436. WHEN a crime or an offense has been committed and the police officers have arrested the person suspected of it, the prosecuting officer collects the evidence against him, and upon the meeting of the grand jury lays it before them in the form of an indictment. They investigate the charge, call witnesses before them if they wish, and if they have reason to believe guilt probable, they return the indictment with the indorsement, "A true bill." If they believe that the charges are not sustained, they make return "Not a true bill," whereupon the person is released; but he may be rearrested if, subsequently, new evidence is found against him.

437. The grand jury is a body of responsible citizens, usually twenty-three in number, selected under the eye of the court. We have, of course, grand juries for the Federal as well as for the State courts. Their authority to investigate crimes and offenses is not limited to cases laid before them by the prosecuting officer; they may make independent investigations, and if they find guilt or blame, may make what is called a presentment, which may thereupon be followed by an indictment, and this by trial. Upon

the meeting of the grand jury, it is usual for the court to instruct them in their duties, and it may also direct their especial attention to notorious offenses. All their proceedings are secret, and the oath the grand jurors take makes secrecy a duty.

438. One object of a grand jury is to prevent injustice. If the prosecuting attorney were alone empowered to bring offenders to trial, he might either misuse this power for purposes of revenge, and thus annoy and disgrace innocent persons; or he might be bribed to withhold an indictment, and thus favor the escape from justice of wealthy or influential criminals. The powers of the grand jury are a check upon him; and their number, and the care usually taken to select only responsible and well-known citizens, make the corruption of a grand jury improbable. The grand jury has power to compel the attendance of witnesses.

439. When a person charged with a crime or an offense is brought to trial, it is before a petit jury. The judge is not allowed to decide upon the guilt or innocence of the prisoner — for he might be prejudiced, or unduly influenced; twelve men, chosen from a numerous list of citizens, are appointed to hear the evidence, and to declare upon the question of guilt. In selecting a jury, the accused, and the plaintiff or the prosecuting attorney, have a right to “challenge” or object to a certain number peremptorily, or without giving reasons, and they may object to others if they can show that these are prejudiced. The judge attends to the pleadings of the lawyers; takes care that witnesses are properly sworn and examined; and, in his summing up to the jury, points out to them if the counsel on either side have made unsupported assertions, instructs the jury in their duty, and endeavors to clear the

case of all extraneous matter ; his charge is of course without bias or favor. Thereupon the jury retire to deliberate ; and if they can *unanimously* agree, their foreman announces the verdict. The judge then delivers the sentence, as provided by the law. Trial by jury is important because it is justly held to be a preventive of tyrannical courses by judges, who might be influenced or intimidated. The accused has a right to be tried by a "*jury of the vicinage,*" which means by twelve men who are supposed to be his neighbors, subject more or less to the same customs and habits, and bringing into their judgment of the case a knowledge of these, which is important to the accused. To send a man charged with a crime or offense to another country or region, where his offense might be judged from a standpoint different from that of his "*vicinage,*" and without knowledge of local habits and customs, or with, as might happen, a special dislike of these, would be, as you can readily see, an injustice.

440. In some countries the jury need not be unanimous, a certain part of the twelve, if they agree, making the verdict ; and there are those who believe that this practice could be advantageously introduced in our States.

441. The jury system is not perfect ; it needs to be guarded against abuses. But you can see that it is highly important for the cause of justice and public order and morality, that both the grand and petit juries shall be composed of intelligent and upright citizens ; otherwise crime may go unpunished, and society suffer in a way not easily reparable. Bear in mind, therefore, that to serve on a jury is one of the most important duties of an American citizen — a duty which he can not avoid without wronging the community of which he is a part.

XLIII

OF TERRITORIES AND COLONIES

442. A TERRITORY is an incomplete State, a piece of country still so sparsely inhabited that it is not in a social or political condition to become a State of the Union.

443. It is organized politically by permission of Congress; its governor and other executive officers and its judges are appointed by the President; it has a legislature which enacts laws of local application, but Congress has power to reject any of these acts. The inhabitants elect a delegate who represents them in Congress, but who has no vote. His duty is to tell the House in which he sits the wants of his constituents. When the people of a Territory desire to form themselves into a State, they may be allowed by Congress to frame and adopt a Constitution. This they present to Congress, for its scrutiny and approval; and Congress may in its discretion reject the instrument, and thus refuse to create the State; and from this decision there is no appeal, except to another Congress. The people of a Territory do not vote for President.

444. It was held by the earlier American statesmen that our possession of a vast area of unsettled land was, and as they believed would continue to be, one of the most important helps to the perpetuity of our institutions, and of free and lawful government amongst us. They knew from history that with a dense population come in slowly but inevitably great differences in wealth, a separation of the people into classes, the increase of poverty and indigence among the mass; consequently a lessened independence and intelligence among the poorer citizens, and the decay of that public spirit among all on which the continu-

ance of a free government so vitally depends. They feared that the increase of these evils would threaten in the end the stability of our free institutions. They saw that the abundance of unsettled or wild land, open to the free occupation of our citizens, would leave open for many years — for centuries, indeed, as they hoped — a broad field for the exertions of the more adventurous, enterprising, and restless part of our people; offering these opportunity to exchange dependence and subordination in the densely populated States for hardy independence in our vast, sparsely settled areas.

445. You can see that a laborer in a thickly populated European state, to whom the conditions of his life have become hateful, has no resource except migration to a distant and strange country. American statesmen rightly believed it an inestimable good fortune for our own people that such men in our country, in seeking to better their condition, would betake themselves, not to a foreign country, but to their own public lands, under the protection of their own flag and laws. There, by their strong arms and vigorous spirit, and needing no more capital than any industrious and economical laboring man in the East could save out of his earnings, they could achieve at least independence for themselves, and for their children more than that.

446. You can see that this was a wise and far-reaching thought; and our history tells you that this earlier policy, unwritten, but not the less strongly adhered to, was carried out during many years, by the absorption of vast *continental* areas not included in the original States. Thus we acquired Florida; we bought under the name of Louisiana a far greater area than is included in the present State of that name; we admitted Texas to the Union;

we took possession of California and absorbed the vast country north of it to the British line; at the close of the Mexican War we secured the great region called New Mexico; and later we bought Alaska from the Russians. So that in the course of years nearly half of North America, with the most fertile soil and the best climatic conditions, was brought under our flag and rule.

447. You may observe these peculiarities about all these acquisitions, that they were of *continental* lands, and lands *almost bare of population*, and *therefore* freely open to the settlement of our own people.

448. Not only did wise and patriotic men thus greatly extend our original area, but they took care that those who wished to settle in these regions should be able to acquire land very cheaply; 160 acres *free* to every citizen, except the insignificant charges for registering his claim and for proving his occupation of the land. They took care also to set apart from the public domain a liberal share dedicated to the support of free schools, so that education should be within the reach of the settlers' children.

449. Unfortunately a later generation permitted a considerable part of our public domain to be made over to corporations, as an incentive and reward for constructing railroads through the wilderness. But we have still a great area of public lands open to free settlement; and the land grants to corporations are sold by them in most cases at cheap rates. We have thus still a great space open to the restless and enterprising of our people, where our laws, and what is of equal or even greater importance, our customs, habits, and political system, easily and naturally become dominant, so that out of Territories we can safely make States of the Union.

450. Of late a new policy has been introduced, of an-

nexing outlying *non*-continental areas, as Hawaii, Puerto Rico, the Philippine Islands, and perhaps also Cuba. Here we take not unsettled continental lands, but distant and extra-continental islands, having already a more or less dense population, of mixed races, glaringly unfitted by habits and customs to become our fellow-citizens. These islands also offer very narrow, if any, regions open to such free settlement as our own people have been accustomed to.

451. It is plain, therefore, that these new acquisitions do not fall under the same category with those before mentioned; and that for the security of our own institutions they *require a different treatment*.

452. That, with proper and wise methods, we can rule these dependencies greatly to the benefit of *their* people, by enforcing upon them by our power and vigor peace and lawful order, justice and security for life and property, no American doubts.

453. But you can see that, while we owe this to them, *our first duty is to ourselves*. They can not be made a part of our continental political system without perverting and endangering that. They are already largely occupied by races and populations unfitted in various ways to become a part of us as American citizens; and offer no such advantages, of free and unoccupied lands for the settlement of our own people, as our other and continental accretions of territory have given and continue to give us. We are bound, therefore, for our own security, to administer them not as Territories in due time to become States of the Union, but as what they are, *outlying colonial possessions, whose people should be excluded entirely from any share in our home government; neither voting in our home elections nor capable of holding any office, congressional, executive, or judicial, within the United States*.

XLIV

WHEN WE NUMBER ONE HUNDRED MILLIONS

454. THE larger the machine, the more important is it that it shall be built upon sound principles of mechanics, and that it shall be carefully managed in accordance with the laws of its construction; for a break in a machine which weighs a hundred tons and moves at a great speed in all its parts is more disastrous than one in a hand machine whose momentum is insignificant, even if its speed of revolution should be considerable. What is true of a piece of machinery in this respect is equally true of a state or nation. The more populous it is, and the more extended its area, the more unwieldy it becomes, the more disturbing is every friction of the parts, and the more vital it is that its managers or rulers shall be made to adhere closely to the principles on which its government is constructed.

455. The fundamental and most vital principle underlying our political system is that called **DECENTRALIZATION**, by which the duties imposed by the people upon their rulers are divided among several distinct governments, each acting independently in its sphere, but all subordinate to one general or organic law, called with us the Federal Constitution; and all so arranged as to work harmoniously to a common purpose.

456. You have seen, in other sections, how this division of powers is regulated in our political system; and I have explained to you that it has clearly defined objects; namely, to leave as much as possible to the private enterprise and ingenuity of the people; to leave to them also, in the smaller political subdivisions, the direct management

of their minor or local affairs, and thus to train them in independence, self-government, and public spirit ; secondly, to enable the people easily to control and change their rulers at regular elections, and to do this in one locality without necessarily disturbing the whole country ; thirdly, to give the people, in their different subordinate governments, strongholds against possible usurpation of power by the Federal rulers, and in the Federal Government security for peace, order, and free exchange and intercommunication in all the parts ; fourthly, to relieve the central or Federal Government of a multitude of details, the control of which would make it cumbrous, inefficient, and tyrannical, and would dangerously increase the patronage of the Federal rulers, and their power to corrupt the people ; and, finally, to enable the people of different States, counties, and even townships to determine, each locality for itself, upon local regulations and laws suited to their habits and customs — all of which laws, however, are to be in conformity with the Federal Constitution and the laws of Congress.

457. Thus we secure uniformity in the general system, with independence, variety, and elasticity in details ; the least interference with personal liberty, combined with security to person and property.

458. We Americans enjoy the most perfect government in the world ; and we owe to it almost all the blessings which make our lives exceptionally happy. Peace, liberty to a degree unknown to the subjects of European powers, free opportunity for the exercise of all our faculties, knowledge and intelligence within the reach of the humblest citizen, security against injustice, stability of order — these and other blessings we owe, not to the rulers we choose, but to the *form* of government under which we live, which

is as beneficent in what it leaves undone as in what it does.

459. But in all earthly contrivances there is a tendency to change; and it has been noticed that as we increase in population there is an increasing propensity to impose more upon the Federal Government, and to take from the powers of the local governments. This all wise citizens ought to oppose, for as we increase in population it is necessary that we shall even add to the number of objects over which the people shall determine and rule in their local governments, for thus only can their political training be continued.

460. It is in this direction that wise citizens will strive to guard against future dangers. The inconveniences, the temporary maladministration, and above all the apparent carelessness with which the people condone blunders in their public servants need not give you occasion for gloomy forebodings. Our people are naturally inattentive to minor details in their governments. They forgive much to their rulers, if only they are convinced that these have an honest desire to serve the public. They are slow to lose their faith in old public servants, and especially in a political party which has once secured their confidence by conspicuous good service.

461. This quality, which is often vexatious, and sometimes causes thoughtful men to despair, is in fact a most valuable trait in any people; for it secures what is of the very greatest importance in public affairs — STABILITY. That people is happiest and most likely to maintain its liberties, and to be prosperous, which by natural temperament dislikes change, and can be moved to it only upon important occasions, and for clearly and even pressingly necessary objects. *Stability of laws, stability in industry*

and business, stability of character and of purpose in the individual, are all of far greater importance than the most brilliant experiments in government, or the most seductive and adventurous enterprises.

462. But, finally, bear in mind that NOTHING IS STABLE EXCEPT JUSTICE. Unjust and unequal laws are liable to perpetual change.

XLV

RULES FOR THE CONDUCT OF DELIBERATIVE ASSEMBLIES

463. WHEN you come to act with others in a public meeting of any kind, whether it is a college debating club, a town, church, or business meeting, or a legislative body, you will discover the extreme importance of orderly and systematic proceedings. A numerous assembly of men gathered for consultation or action of any kind very easily falls into disorder, and even slight disturbances or irregularities cause a great waste of time and temper. Thus a petty obstruction in the line of march of an army, which to two or three persons would be hardly noticeable, might yet, if the army contained ten thousand men, each of whom would have to leap over it, delay the rear several hours.

464. Moreover, wherever men are gathered in deliberative assemblies, there will be some of hasty tempers, some more eager, less logical, or more peremptory than others; and to preserve the rights of all it is absolutely necessary that each member shall be able to appeal to some generally recognized rules of procedure, and that all shall submit to these rules.

465. To avoid disorder and maintain the rights of each,

English-speaking people have in the course of time perfected rules for the conduct of public business, which apply as well to a debating club as to our Houses of Congress. These general rules are founded on common sense, and have for their main objects the easy preservation of order and fair play to all, and the protection of the minority in such bodies.

466. When the French legislative body falls into an uproar and confusion too great for its presiding officer to control, he puts on his hat, and by that act concludes the session. His only way to restore order is to stop the proceedings entirely. But in the British House of Commons, or in the American Congress, long-established and universally respected rules, to violate which would be a very grave offense, prevent the necessity of such a time-wasting expedient.

467. The great body of the rules, as well as the precedents on which they rest, are contained in various books with which Congress and the State legislatures are familiar, and to which constant reference is made in these bodies. But it is not necessary to the proper conduct of a debating or college society, or of a town or church meeting, that its members should be conversant with the whole body of Parliamentary law. A knowledge of the elementary rules which should govern proceedings in all deliberative assemblies is very useful to every American; and these, accordingly, I will endeavor to arrange in a clear and intelligible manner for your use in the following pages. Acquaintance with these elementary rules may enable you, on occasion, to save the time of a public meeting, help to maintain order and dispatch business in it, and preserve your own temper.

468. I desire, first of all, to impress upon you the abso-

lute necessity of conducting all such bodies with dignity and order. Not unfrequently young people meeting in a debating club or other such society fancy the object of their convocation too unimportant to make dignified conduct necessary. This is a mistake. No business whatever can be well conducted, nor can any society or assembly prosper, unless there is decorum, self-restraint, and such respect shown to the object of the meeting and to the persons assembled as will lend dignity, and even a little solemnity, to the proceedings. I have seen, once in my life, a State legislative body in which the Speaker was careless on these points, and weakly allowed members to enter with hats on their heads, to smoke during the session, to interrupt him and other members, and to indulge in trivial and disrespectful language; and I noticed that this body did not respect itself: the disorderly conduct permitted to its members made the body contemptible to itself, and affected very seriously its usefulness to the people. Hence, no matter how unimportant the object of a public meeting may be, if you are one of its members, it is your duty to enter quietly, and with uncovered head; to sit in your seat attentively listening to the proceedings; to address yourself, if you speak, to the presiding officer only; to refrain from all trifling or disorderly conduct; and thus to assert the dignity of the body and preserve its decorum while it is in session.

469. The first business of a meeting is to choose a presiding officer. In large and formal assemblies, as political conventions, it is usual to begin with the selection of a temporary chairman. This is because in such assemblies the office of chairman or president is often so important that several persons desire it, and it is necessary to establish order, so as to enable the assembly to choose that one

whom a majority prefers. The temporary chairman calls the meeting to order ; and when quiet is obtained declares nominations in order, whereupon the candidates for chairman or president and secretary are nominated and elected. Or it may happen that the temporary chairman appoints, at the desire of the assembly, a committee to report a list of officers.

470. Where a public body comes together without previous organization, there has usually been some preliminary understanding among those who called it together as to the person to be chosen presiding officer ; and in such a case one of these rises in the meeting and nominates the person thus agreed on, and puts the nomination to vote. If the meeting chooses it may vote him down ; and in such case, naturally, another person would then be proposed. Usually, however, there is no such disagreement on the first organization.

471. In any case, the meeting is not organized and prepared for business until a presiding officer, and properly also a secretary, are chosen.

472. Where the body already has officers, the chairman or president takes the chair punctually at the hour previously appointed, and calls the meeting to order.

473. In permanent bodies, the proceeding next in order is to call the roll of members. The object of this is to ascertain in a formal manner that a quorum is present.

474. A quorum is the number of persons required by the rules of the assembly or society for the proper transaction of business. Usually this is one more than half the total number of members ; but the number may be fixed by a special rule. No business can be properly transacted without a quorum, except the calling of the roll, and the necessary proceedings for summoning absent

members. This is to prevent a minority from taking advantage of the absence of the majority to adopt measures and transact business which would not have the consent of the majority. If at any time during the session a quorum is not present, any member may call the attention of the chairman to that fact, whereupon all business stops. Parliamentary bodies, as Congress or a State legislature, have by law the power to compel the attendance of members; and when no quorum is present, if the house does not wish to adjourn, it sends its sergeant-at-arms to summon absent members to the bar, where they may be interrogated by the presiding officer as to the reason for their absence, and, if the house wishes, fined. Such a proceeding is styled a "Call of the House"; and when it is determined on, the doors are usually locked, and remain locked until the house declares its wish to have them reopened. This is to keep those present from leaving the house, and to maintain a quorum for business.

475. The assembly being organized, and the officers in their places, it is the duty of the chairman or president to state the business before it. If the body has met in pursuance of any law or previous resolution, it may be proper to read that. If several matters of business are to come up, he announces first that which is first in order; and thus the body goes regularly to its work.

476. It is the duty of the presiding officer to maintain order. To this end he, and not the house, is addressed by the speakers; to him all motions, resolutions, and bills are submitted; no member may speak unless he is first recognized by the president; if several rise at once to address him, it is his part to recognize one, whereupon the others sit down; and where, as constantly happens, members do not understand the order of business before the

meeting, or its condition at any moment, he must be ready to explain, to decide upon the propriety of motions, and generally to conduct the meeting. It is of great importance that the presiding officer should be treated with respect, that his decisions should be promptly and clearly made, and that they should be readily acquiesced in. If a member doubts the correctness of a chairman's decision, he may say so, and appeal to the house to support him; and the house may, at its discretion, overrule such a decision. But this ought seldom to be done, and will rarely happen if the chairman is competent. Wrangling and fussiness are productive of disorder in a public meeting; and it is generally the most ignorant members who are ready to jump to their feet with a question of order or an appeal against the chairman.

477. In legislative bodies where a part of the business is referred to committees to be considered and elaborated, such committees are either selected by the presiding officer—as in the Federal House of Representatives—or elected by the house itself—as in the United States Senate. In the latter case, practically, the majority meet in caucus, and there frame the committees, which are afterward formally reported and submitted to the vote of the whole body. The Speakership in the Lower House is much sought after, because of the power the Speaker has over the policy of the country by the selection of committees. Where the Speaker is an able man, he can thus at the beginning of a session give a direction to the public policy by placing at the heads of important committees men of decided views. Also, he has thus the power to favor his personal friends. The reference of business to committees is that these may consider the proposed measure, and report upon it to the house, which may then concur with the

committee, or reject its report. This saves time, but it is also apt to prevent discussion; and the Federal House of Representatives has in the course of time become the slave of its committees, who, except in the case of revenue measures, are very apt to prepare a verdict which the House is compelled to accept without debate, by the adroit use of a motion called "the previous question," of which you will hear farther on.

478. The order of business is regulated by the meeting, which may set a certain day and hour for the consideration of a specified motion; may declare a regular order for the introduction of business; and may otherwise regulate this matter. In the Federal House of Representatives, for instance, for the general convenience, one day in the week is set apart for the consideration of private bills; an hour on another day is set apart for a call of the States, for the introduction and reference of bills and joint resolutions; and if any member on a certain day can get the consent of the House by a two thirds vote, he may have even these rules suspended for the introduction of special business. In any case, and whatever business is to come up, the Speaker announces it to the House.

479. When the member of an assembly wishes to make a motion or introduce a matter of business, he rises, and calls out, "Mr. Speaker"—or whatever the title of the presiding officer may be; if he is recognized, he has then the floor, and states his proposition. He may be required to reduce this to writing; and if it is an important matter he has probably taken the precaution to do this beforehand, so that it may be recorded without error. Any motion, to be entertained, must be seconded, which is an immediate proof to the assembly that more than one of its members favor it. A motion made and seconded, and

announced by the presiding officer, is thereupon the property of the meeting, and can not be withdrawn without its consent; this, however, is almost always given if desired.

480. A fundamental rule is that a motion voted down can not be repeated until some other business has intervened.

481. Thus the motion to adjourn, which is said to be always in order — because an assembly ought always to have it in its power to dissolve its session — can not, if it is voted down, be made again until some other motion has been made or business transacted. This is to prevent an irritating waste of time.

482. It is another fundamental rule that no one can interrupt a speaker with a motion, even one to adjourn. The person who has the floor is entitled to complete his remarks, or to occupy the whole time allowed him by the meeting, and interruptions are out of order. If he gives permission to another to interrupt him he thereby resigns his own right to the floor; though he may give way for a brief interruption, by general consent, and resume afterward.

483. Next in order, after the motion to adjourn, is the motion “to lay on the table”; which is substantially to adjourn the business in hand in order that something else may be taken up.

484. Neither of these motions is debatable, because the assembly ought to have a right without delay, and at any time, to dissolve, or to turn to another subject.

485. A successful motion to lay on the table is generally equivalent to a rejection of the measure. This cannot come up again out of its regular turn, except by a motion to take it up, or to reconsider the motion to lay it on the table; and the pressure of business before a meeting usually makes its members reluctant to go back to meas-

ures once disposed of or put out of the way. A motion to take a bill or other matter from the table is debatable.

486. Third in order, among Parliamentary motions, is "the previous question." This is of the same nature as the two preceding: its object is to get done with business; and, like the other two, it is not debatable, because the assembly ought to be able at any time to make known that it is ready to vote upon the question before it. When a member calls for "the previous question," and the call is seconded, the presiding officer is bound to put it. It takes this shape: "Shall the main question be now put?" If the majority vote "aye," that shows that they have made up their minds, and wish no further debate.

487. If the assembly, by supporting the previous question, demands the main question, then the presiding officer takes in their proper turn, beginning with the last offered, the several amendments to the question before the house, if there are any, and finally brings to vote the question itself.

488. The previous question is sometimes an instrument in the hands of a majority to prevent debate, and to push through measures which perhaps would not bear discussion; but where it is ruthlessly used, it is very apt to arouse a feeling of opposition which is dangerous to a majority.

489. Where it is pretty certain that a public assembly or meeting is ready and desirous to vote, a cry of "Question! question!" calls the attention of the presiding officer to that fact; and, if he perceives that the meeting really wishes to vote, he usually, before recognizing the next speaker, asks, "Is the meeting ready to vote on the proposition?" and the answering cries tell him what is the wish of the members. In such a case there is no need for the "previous question" formally put.

490. The three motions above described are not debata-

ble, because, if they were, the assembly would be helplessly in the hands of a few of its members, who could by interminable debates keep it in session, or prevent it from acting on bills or measures before it. The United States Senate does not allow the previous question, and the minority there sometimes deliberately and purposely put off decisions on measures by a long series of speeches, which have the object, by a continuous session, to wear out the majority, and bring them to terms or force them to a compromise.

491. You must understand that a motion to adjourn is not subject even to an amendment to adjourn to a named day or hour; because, as an amendment, this would open debate. Where it is desired to substitute for an adjournment without date one to a fixed date, it is usual to make a request that the first motion be withdrawn, whereupon the other is made.

492. It is well to remember also that a motion to take a recess is different from one to adjourn. A recess only interrupts, and does not close the session; and when after the recess the assembly comes together, it proceeds to business at once without opening formalities, such as reading the journal or calling the roll. On the journal the date of the session remains unaltered, even though the recess should carry it over to another civil day. But a recess can not carry the meeting past the regular hour of its next day's assembling.

493. The business before a meeting is in the shape either of a bill or a resolution. In either case it is subject to the following motions — besides those before mentioned — and in the order in which they are named: —

494. To postpone to a fixed day or hour, whereby the meeting agrees to consider it at that time; and when

the time arrives the presiding officer's duty is to suspend other business, and lay that before the house.

495. Or to commit — which means to refer it, to a committee for consideration, which committee is expected to report upon it to the house, at its own convenience, or upon the order of the house. The business of legislative bodies in this country is too much referred to committees, as I have pointed out to you above; and it is common to see a measure referred to a committee merely to get it permanently out of the way. Of the duties of committees I shall speak farther on.

496. Or to amend. If the member who introduced the bill or resolution accepts the amendment, it is at once incorporated in his bill; if he rejects it, it becomes a separate part of the question, and the house votes upon it before it does on the bill. It is possible to amend an amendment (but not to amend that again); but it ought to be avoided, and the friends of a measure can agree privately beforehand upon amendments. Sometimes its enemies try to kill it by amendments.

497. Or, finally, to postpone it indefinitely. In a legislative assembly the motion to lay on the table is practically equivalent to this, and is so used; and in the House of Representatives, when a bill has been passed, in order to prevent an opponent from moving a reconsideration — which would bring it again before the house — it is customary for the mover of the bill himself to move that the vote by which it was just passed be reconsidered, and to move to lay that motion on the table.

498. If you consider the matter you will see that the order of these motions, as prescribed in the rules, is founded on common sense, and a desire to enable an assembly to transact business without improper delays.

499. To prevent undue haste, on the other hand, legislative bodies usually require a bill to be read three times, and often on three separate days; measures are referred to committees for examination; and on the final reading the bill is debated, unless the majority insists on the previous question. The reference of a measure to two houses, and after its passage by both to the President or Governor, is also a very important means of delay, because it gives time for thorough consideration.

500. Committees are composed of selected members of the assembly; and they are either appointed or elected, and for a special object. They may be permanent, or temporary and special. Their meetings, unless otherwise ordered, are private, so far as the public is concerned; but it is held that any member of the assembly of which they are a part may attend their meetings. The first person named on the committee is usually its chairman; and if a member moves the appointment of a committee, it is customary to name him as one of its members, and to make him its chairman unless reasons exist against that. The committee reports by its chairman, and the conclusions of the majority form the report. The minority of the committee have no right to make a report; but this is usually allowed, because they could bring their views before the house and the public in other ways.

501. Legislatures and other permanent bodies sometimes resolve the whole assembly into a committee, called the "Committee of the Whole House." It is done on motion by a member, and for the consideration, usually, of a particular subject. When the house goes into committee of the whole, the speaker or presiding officer leaves the chair, calling a member to take his place. The presiding officer may take the floor in the committee, and take part in the

debate. The committee of the whole can not conclude any business, and can not adjourn. When it has completed the discussion of a bill, or is ready to cease for that time, a member moves "that the committee do now rise," whereupon, if the motion is carried, the speaker resumes his place, and his substitute in the committee reports to him briefly but formally what the committee has done, thus officially informing him of the stage at which the business was left. If the bill under consideration is ready for a vote, and that fact is reported, the speaker may then bring it to a vote without further delay. If the house while in committee of the whole desires to adjourn, it rises; but only after the chairman has reported progress to the speaker is a motion to adjourn the house in order. While in committee, it is not proper to use the previous question to stop debate; instead, the majority may vote that the committee rise, when the debate stands adjourned, and the reconstituted house takes up other business. The object of going into committee of the whole is to be easily rid of those rules which otherwise limit debate, and to make discussion freer. In committee of the whole there is no limit to debate.

502. When a bill or resolution is introduced, if the assembly is willing it may then be discussed, and in the debate the mover has the right to address the house first. In debate the friends and opponents of the question should have the floor alternately, and it is usual for the mover to close the debate. No one is expected to speak more than once on the same question or bill.

503. In debate the speakers should confine themselves rigorously to the question; and if any one wanders away in his remarks to other matters, he may properly be called to order by the presiding officer on the request of a mem-

ber. All personalities should be avoided ; and to assist in this, it is a rule that no member shall, in debate, be called or spoken of by his name. In legislative bodies this rule is very rigidly adhered to ; and in the British House of Commons, when the Speaker calls a member to order, and has difficulty in procuring order, by an old tradition his last resort is a threat to "call the gentleman by name." As his threat has always been effective, I believe it is not known what would be the result if it were actually carried into effect.

504. In recognizing those who wish to speak during a debate, the presiding officer exercises a certain liberty of choice ; but he must take care to be fair to both sides. If the debate is important, and comes up after notice, members often privately inform the presiding officer that they desire to speak ; and he then makes a list of their names, and may properly arrange them in the order of their abilities if he wishes ; taking care, however, that both sides are fairly represented. He then recognizes among those who rise to obtain the floor those on his list, and may give private notice to each beforehand when his turn is at hand.

505. The assembly may limit debaters to a specified time, giving each five or ten minutes, or half an hour ; and it may, by unanimous consent, extend the time of any speaker who has not completed his remarks, and whom it wishes to hear. But such a favor must be by unanimous consent.

506. When the measure comes to a vote the presiding officer should clearly state it, and he then adds : "Those who are in favor of this will vote Aye, the contrary, No." And he should be very particular to put the question so that every member may understand the bearing or effect of his vote upon the question.

507. Those only may vote who are within the proper limits of the meeting when their names are called. If, for instance, a part only of the hall is reserved for the meeting, and the remainder for an audience, a member standing without the barriers of separation has no right to vote.

508. Finally, remember that one of the main and most important objects of a deliberative assembly is to debate. It is not a merit, but a fault, in such an assembly to adopt hastily a number of measures prepared beforehand by a committee or caucus; it is far better, more conducive to a proper understanding of the business in hand, and to the public welfare, in the case of conventions and other public meetings, that the measures proposed should be discussed, even if apparently time should be thus lost.

509. I have aimed to give you only such a brief outline of the rules in accordance with which meetings should be conducted as will let you understand the general principles, and references to congressional and other rules are only to illustrate these statements. Legislative bodies are guided in intricate cases by formal precedents, which are stated in large books, such as Barclay's Digest; works which are not only important to legislators, but interesting as showing the growth of what are called Parliamentary rules.

APPENDIX

CONSTITUTION OF THE UNITED STATES OF AMERICA

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. SECTION 1.—1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.—1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and

provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;
3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;
6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. To establish post-offices and post-roads;
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
9. To constitute tribunals inferior to the Supreme Court;
10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;
13. To provide and maintain a navy;
14. To make rules for the government and regulation of the land and naval forces;
15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;
17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or

duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II. SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

Clause 3 has been superseded by the 12th Article of Amendments.

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2.—1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Embassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the Courts of law, or in the heads of Departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.—He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such

time as he shall think proper; he shall receive Embassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. SECTION 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.—1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Embassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting Embassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. SECTION 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who

shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing Amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which

shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES

PREAMBLE

Who adopted the Constitution? Why a "more perfect union"? More perfect than what?

ARTICLE I

SECTION I.—How is the Congress composed?

SECTION II.—1. How long does a representative serve? What are the qualifications of voters for representatives?

2. What are the qualifications of a representative?

3. Explain the ratio of representation.

4. In case of the resignation or death of a representative, how is the vacancy filled? Why does not the governor appoint a successor? (*Ans.* Because the representative is to represent directly the people, and must therefore be chosen directly by them.)

5. How are the officers of the House of Representatives chosen?

SECTION III.—1. How are senators chosen? What therefore do they represent? For how long are they chosen?

2. Who appoints senators to fill a vacancy? Why are one third of the Senate chosen every second year?

3. What are the qualifications of a senator?

4. Who presides over the Senate?

5. What is the office of the President *pro tempore*?

6. When is the Senate a court of justice? Who presides when the President of the United States is tried? Why not the Vice-President?

7. What are the limitations to the power of the Senate in impeachment? What is the meaning of impeachment? Explain the respective powers of the House of Representatives and of the Senate in this matter.

SECTION IV.—1. May Congress impose on the States a uniform method of choosing representatives? And of senators?

2. How long does a Congress last? How often must it assemble? May it hold a continuous session? (*Ans.* Yes.) On what day must it meet? On what day does it cease to exist? May a new Congress meet as soon as the previous one adjourns? (*Ans.* Yes.)

SECTION V.—1. What is a quorum? Who judges of the qualifications and election of the members of either House? Can either House compel the attendance of members? Why has it this power?

2. Who determines the rules?

3. Have both Houses power to make part of their journals secret? Why are the yeas and nays to be entered on the journal?

4. Why may not one House adjourn for more than three days, or to another place, during the session?

SECTION VI.—1. Why are members privileged from arrest? Why exempt from question elsewhere for words spoken in debate? What does this exemption mean? (*Ans.* It preserves the member from suits for libel and slander, and other penal proceedings, for words spoken in his place, and thus secures him the utmost liberty of speech.)

2. What is the object of this clause?

SECTION VII.—1. Where are revenue bills originated? Why?

2. State the authorities who must approve a bill before it becomes a law. What happens if the President objects? How long may the President consider a bill?

3. Must all bills be presented to him?

SECTION VIII.—What is the limitation to the power of Congress to levy taxes? Recite the chief powers conferred on Congress in this section. In exercising these powers, how is Congress guided? (*Ans.* First, by the provisions of the Constitution; and, second, by the will of the people, which it represents.) What is the object of the last clause of this section? (*Ans.* It conclusively confers power on Congress to pass all laws necessary to carry into effect the measures it has determined on.)

SECTION IX.—1. To what persons does this clause refer?

2. Explain the meaning of *habeas corpus*.

3. What is an *ex post facto* law? Why is it prohibited?

4. What is a capitation tax? Why is it so limited?

5. What is the effect of this clause? (*Ans.* It helps to secure freedom of commercial intercourse between the different States.)

6. What is the effect of this clause?

7. What is the object of this clause?

SECTION X.—1. Why are the prohibitions declared in this clause? (*Ans.* Because such acts, if performed by States, would cause confusion, and make a less instead of a "more perfect union.")

2. Why these prohibitions? (*Ans.* Because the acts prohibited to the States would, if attempted, interfere with the supreme authority of the Federal Government within the limits assigned to it in Section VIII.)

ARTICLE II

SECTION I.—1. What is the executive power? Explain why Congress can not be called an executive power. Who is the executive head?

2. What is the number of the electors? Why are Federal officers prohibited from serving as electors?

3. (For the manner of electing the President and Vice-President, see the 12th Amendment.)

4. Is the time of choosing electors uniform all over the United States? Why should it be? What is the day?

5. Who may be elected President ?

6. Who succeeds the President in case of his death or removal ? (*Ans.* In case of the death of both President and Vice-President, Congress has provided, by a law adopted in 1886, that the office of acting President shall be filled by the Secretary of State ; or, in case of his death also, by the Secretary of the Treasury ; and so on through the list of seven cabinet officers.)

7. Why is the salary of the President fixed during his term ?

8. State what the President promises in his oath of office.

SECTION II. — 1. Why is the President made commander-in-chief of the armies, navy, and militia in time of war ? (*Ans.* In order that all the powers of the Federal Government may be wielded by a single hand effectively for a single purpose. Remember that the Congress may, if it pleases, deny him an army or a navy.) Why may he require the opinion *in writing* of the heads of departments ? Why should he not pardon or reprieve in cases of impeachment ? (*Ans.* Because impeachment is usually for malfeasance in office, and works only removal and incapacity to hold office.

2. Who makes treaties ? If the Senate rejects a treaty, does it fall ? Why should the President nominate his subordinates ?

3. When vacancies happen during a recess of the Senate, how are they filled ?

SECTION III. — What are the documents called in which the President gives to Congress information, and advises them ? Why may he convene both Houses ? May he convene only one ? Is he responsible for the faithful execution or enforcement of the laws ?

SECTION IV. — For what offenses may civil officers be removed from office, and how ?

ARTICLE III

SECTION I. — How is the judicial power of the United States composed ? For what period do the judges hold office ? Who appoints them ? (See Art. II., Sect. II.) Why should not their salaries be diminished ? (*Ans.* Because they have to interpret the laws ; and, in doing so, might excite the hostility of Congress, which might, if it had the power, punish them by lessening their salaries.)

SECTION II. — 1. Trace out the powers of United States Courts. Do they adjudicate on State laws ? (*Ans.* Only so far as to declare whether they are or are not in violation of the Federal Constitution.)

2. What is the meaning of original and appellate jurisdiction ?

3. Why should trials of crimes be within the States where they are committed ?

SECTION III. — 1. What is treason ?

2. What is corruption of blood ? What is forfeiture ?

ARTICLE IV

SECTION I. — Why was this provision enacted ?

SECTION II. — 1. Has a citizen of New York the same privileges in Ohio or Louisiana as a citizen of those States ? Why is this necessary ?

2. Why must the governor of a State demand, in another State, the surrender of

a criminal or person charged with crime? (*Ans.* Because constant disorders and abuses would occur if irresponsible police officers of one State might go into another to make arrests.)

3. To what class of persons did this paragraph refer?

SECTION III. — 1. On what condition may new States be formed? Why these limitations?

2. Does Congress govern the territories? What property has the United States? Is its authority supreme over forts, arsenals, lighthouses, etc.?

SECTION IV. — What must the Federal Government guarantee a State? Against what must it protect it? Why the limitation as to its power to repress "domestic violence" in a State? (*Ans.* To force the governor and legislature of a State to use to the utmost their own legal authority before calling on the Federal Government, and thus to invigorate the local governments.)

ARTICLE V

How are amendments to the Constitution proposed? How adopted? Why was the limitation as to equal suffrage in the Senate adopted? Is it wise to make the method of amendment as cumbrous as it is? If so, why?

ARTICLE VI

1. To what does this clause refer?

2. What constitutes the supreme law of the land? Must we obey a Federal law, even if a State law forbids it?

3. Who must swear to obey the Constitution?

ARTICLE VII

Was the Constitution ratified by all the States? How many States were needed to ratify it?

AMENDMENTS

ARTICLE I

State the three supreme rights of the people protected by this article.

ARTICLE II

Does a law prohibiting the carrying of concealed weapons violate this provision? Why not?

ARTICLE III

Why was this provision advisable?

ARTICLE IV

What are *unreasonable* searches and seizures? What are the three necessary elements of a warrant of arrest, under this article? What is the meaning of warrant? Why should the power of arrest be thus guarded? Take the reverse of each limitation, and examine what power it would give to an officer.

ARTICLE V

Why are persons in the army and navy, and in the militia in time of war, excepted from the safeguard of preliminary indictment by grand jury? What is the office of a grand jury? Why should not a person be twice tried for the same offense? What is due process of law?

ARTICLE VI

State the guards specified in this article. Why are these provisions important to the liberty of the citizen? (The teacher should make the class intelligently explain the necessity for each separate provision; as, Why should a trial be speedy? Why public? An excellent way to do this is to let them reverse every proposition.)

ARTICLE VII

What is the right guarded by this article?

ARTICLE VIII

What rights are here guarded?

ARTICLES IX., X

What are the objects of these articles?

ARTICLE XI

What previous article of the Constitution does this Amendment define?

ARTICLE XII

Describe the manner of electing the President and Vice-President.

If there should be more than two candidates for President, is a majority over all required? Who elects if the electors fail? Why must the House act *immediately*? How are the votes taken? How many votes has each State? What happens if the House of Representatives does not elect?

Who elects the Vice-President if the electors fail?

Who may be elected Vice-President?

ARTICLE XIII

What is the object of this article?

ARTICLE XIV

1. Who are citizens of the United States?
2. What is the object of this clause?
- 3 and 4. What is the object of these clauses?

ARTICLE XV

What right does this article confer on citizens? Does it prohibit a State from adopting an educational qualification for the suffrage? What is it intended to guard against?

THE DECLARATION OF INDEPENDENCE

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF
AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in

direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, es-

tablishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war; in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, That these united colonies are, and of right ought to be, *Free and Independent States*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as *Free and Independent States*, they have full power

to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *Independent States* may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

NEW HAMPSHIRE.—Josiah Bartlett, William Whipple, Matthew Thornton.

MASSACHUSETTS BAY.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

RHODE ISLAND, ETC.—Stephen Hopkins, William Ellery.

CONNECTICUT.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

NEW YORK.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

NEW JERSEY.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

PENNSYLVANIA.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

DELAWARE.—Cæsar Rodney, George Read, Thomas M'Kean.

MARYLAND.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

VIRGINIA.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.

NORTH CAROLINA.—William Hooper, Joseph Hewes, John Penn.

SOUTH CAROLINA.—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.

GEORGIA.—Button Gwinnett, Lyman Hall, George Walton.

WASHINGTON'S FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES.

(SEPTEMBER 17, 1796.)

FRIENDS AND FELLOW-CITIZENS: — The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in

my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals that, under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee, that, from different causes, and from different quarters, much pains will

be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is, perhaps, of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one* nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular

interest in union, all the parts combined can not fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionally greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of government; destroying, afterward, the very engines which had lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing Constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remem-

ber, especially, that, for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the security of perfect liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils and enfeeble the Public Administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of Liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should

inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these

maxims belongs to your Representatives, but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will,

and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be

understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit or some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my Proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position.

Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, September 17th, 1796.

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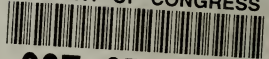
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